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STATUTES

OF THE

PROVINCE OF ONTARIO

PASSED IN THE SESSION HELD IN THE

Thirteenth Year of the Reign of His Majesty
KING GEORGE VI

Being the First Session of the Twenty-Third
Legislature of Ontario

BEGUN AND HOLDEN AT TORONTO ON THE TENTH DAY OF
FEBRUARY IN THE YEAR OF OUR LORD ONE THOUSAND
NINE HUNDRED AND FORTY-NINE



ONTARIO

515415
18. 12. 50

HIS HONOUR RAY LAWSON, LIEUTENANT-GOVERNOR

TORONTO

Printed and Published by Baptist Johnston, Printer to the King's Most Excellent Majesty
1949

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PART I
PUBLIC ACTS
Chapters 1 to 114



13 GEORGE VI

CHAPTER 1.

An Act to amend The Adoption Act.

*Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1, as re-enacted by section 1 of *The Statute Law Amendment Act, 1941*, and sections 2 and 3 of *The Adoption Act* are repealed and the following substituted therefor: Rev. Stat., c. 218, s. 1 (1941, c. 55, s. 1); ss. 2, 3, re-enacted.

1. In this Act,—

Interpretation,—

- (a) “adopted child” means infant or other person adopted; “adopted child”;
- (b) “adopting parent” means person who adopts an infant; and “adopting parent”;
- (c) “infant” means person under twenty-one years of age or other person sought to be adopted. “infant”.

2. The court may make an order for the adoption of any infant resident in Ontario upon an application therefor being made in the prescribed manner by any person domiciled and resident in Ontario. Where adoption orders may be made.

3.—(1) Notwithstanding section 1 the court shall not make an order for the adoption of an infant,— Where adoption orders may not be made.

- (a) where the applicant, or either of joint applicants, is under twenty-five years of age or is less than twenty-one years older than the infant;
- (b) where the applicant is a male and the infant is a female under twenty-one years of age; or
- (c) where the applicant is unmarried, a widow, a widower or a divorced person,

- Saving. unless the court is satisfied that there are special circumstances that justify, as an exceptional measure, the making of an adoption order.
- Adoption by more than one person. (2) Except in the case of a joint application by a husband and wife, the court shall not make an order for the adoption of an infant by more than one person.
- Consent of husband or wife of adopting parent. 3a. An adoption order shall not be made upon the application of a husband or wife without the consent of the wife or husband, as the case may be.
- Consent,—infant under 21; 3b.—(1) An adoption order in respect of an infant under twenty-one years of age who has not been married shall be made only with the consent of every person who is a parent or guardian or who has lawful custody or control or who is liable to contribute to the support of the infant.
- illegitimate infant; (2) Where such infant is illegitimate the consent of the mother shall be sufficient for the purposes of subsection 1, but if any such infant resides with and is maintained by the father, the consent of both mother and father shall be required.
- infant ward of children's aid society. (3) Where such infant has been committed permanently to the care and custody of a children's aid society under *The Children's Protection Act*, the consent of the society shall be sufficient for the purposes of subsection 1.
- Rev. Stat., c. 312.
- Consent,—person over 21. 3c. An adoption order in respect of a person who is over twenty-one years of age or who is under twenty-one years of age and has been married shall be made only with the consent of the person to be adopted and where such person is married, the consent of the spouse.
- Where consent may be dispensed with. 3d. The court may dispense with any consent required by section 3a or subsection 1 or 2 of section 3b if, having regard to all the circumstances of the case, the court is of opinion that the consent may properly be dispensed with.
- Provincial Officer's certificate,—infant under 21. 3e. An adoption order in respect of an infant who is under twenty-one years of age and has not been married shall not be made unless the Provincial Officer certifies in writing,—

- (a) that the infant has lived for at least two years with the applicant and that during that period

the conduct of the applicant and the conditions under which the infant has lived have been such as to justify the making of the order; or

- (b) that the applicant is to the knowledge of the Provincial Officer a proper person to have the care and custody of the infant and that for the reasons set out in the certificate it is in the best interests of the infant that the period of residence be dispensed with.

3f.—(1) An adoption order in respect of a person over twenty-one years of age or who is under twenty-one years of age and has been married shall not be made unless the Provincial Officer certifies in writing that the person sought to be adopted has been in the custody of, brought up, maintained and educated by the applicant as his own child during infancy or until marriage, as the case may be, under any *de facto* adoption. Provincial Officer's certificate,—persons over 21.

- (2) Where the Provincial Officer is unable to make such a certificate he shall so certify in writing and in any such case the court may review all the circumstances and if the court is satisfied that the person to be adopted has in fact been in the custody of, brought up, maintained and educated by the applicant as his own child during infancy or until marriage, as the case may be, under any *de facto* adoption, the court may make an adoption order. Review by court.

2. This Act may be cited as *The Adoption Amendment Act, 1949.* Short title.

CHAPTER 2.

An Act to amend The Agricultural Development Act.

*Assented to March 9th, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 23 of *The Agricultural Development Act* is repealed. Rev. Stat.,
c. 78, s. 23,
repealed.

2. Clause *b* of section 25 of *The Agricultural Development Act* is repealed. Rev. Stat.,
c. 78, s. 25,
cl. *b*, re-
pealed.

3.—(1) Section 26 of *The Agricultural Development Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 78, s. 26,
amended.

(1*a*) The Lieutenant-Governor in Council may from time to time appoint an Assistant Commissioner of Agricultural Loans who shall have and may exercise and perform all the powers, rights, duties and obligations of the Commissioner of Agricultural Loans. Assistant
Commis-
sioner.

(2) Subsection 3 of the said section 26 is repealed and the following substituted therefor: Rev. Stat.,
c. 78, s. 26,
subs. 3,
re-enacted.

(3) Upon the appointment of a Commissioner of Agricultural Loans all the assets of the Board shall be vested in the Commissioner and all the powers, rights, duties and obligations of the Board shall thereafter be performed by the Commissioner, and wherever the Board is referred to thereafter such reference shall be taken as referring to the Commissioner. Transfer
from Board
to Commis-
sioner.

4.—(1) The persons now on the permanent staff of the Commissioner of Agricultural Loans shall be deemed to have been validly appointed and to be employees within the meaning of *The Public Service Act, 1947*. Status of
employees
clarified.

1947, c. 89.

(2) Any annual allowance now being paid under *The Public Service Act, 1947* to or in respect of any person formerly on the permanent staff of the Commissioner of Agricultural Loans or the Agricultural Development Board is validated and confirmed. Pensions
validated.

Commence-
ment of Act;

5.—(1) This Act, except section 3, shall come into force on the day it receives the Royal Assent.

of s. 3,
subs. 1;

(2) Subsection 1 of section 3 shall be deemed to have come into force on the 23rd day of June, 1937.

of s. 3,
subs. 2.

(3) Subsection 2 of section 3 shall be deemed to have come into force on the 22nd day of August, 1935.

Short title.

6. This Act may be cited as *The Agricultural Development Amendment Act, 1949.*

CHAPTER 3.

An Act to amend The Agricultural Development Finance Act.

*Assented to March 9th, 1949.**Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Agricultural Development Finance Act* Rev. Stat., c. 77, s. 4, re-enacted. is repealed and the following substituted therefor:

4. All expenses incurred in the administration of this Expenses and revenues. Act shall be paid out of, and all revenue paid into the Consolidated Revenue Fund.

2.—(1) The persons now on the permanent staff of the Status of employees clarified. Province of Ontario Savings Office shall be deemed to have been validly appointed and to be employees within the meaning of *The Public Service Act, 1947*. 1947, c. 89.

(2) Any annual allowance now being paid under *The Public Service Act, 1947* to or in respect of any person formerly on the permanent staff of the Province of Ontario Savings Office is validated and confirmed. Pensions validated.

3. This Act shall come into force on the day it receives the Commencement of Act. Royal Assent.

4. This Act may be cited as *The Agricultural Development Finance Amendment Act, 1949*. Short title.

CHAPTER 4.

An Act to provide for the Establishment of the
Alcoholism Research Foundation.

*Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) “alcoholic” means any person who suffers from “alcoholic”;
alcoholism;
- (b) “alcoholism” means any diseased condition produced “alcohol-
ism”;
by the action of alcohol upon the human system;
- (c) “board” means the advisory medical board of the “board”;
Foundation;
- (d) “Foundation” means the Alcoholism Research Foun- “Founda-
tion”.

2. There shall be a body corporate to be known as the ^{Foundation}Alcoholism Research Foundation composed of not less than ^{established.}seven and not more than ten members appointed by the Lieutenant-Governor in Council.

3. The Lieutenant-Governor in Council may designate one Chairman.
of the members to be chairman of the Foundation.

4. Five members of the Foundation shall constitute a Quorum.
quorum.

5. The Lieutenant-Governor in Council may fill any Vacancies.
vacancy among the members of the Foundation.

6. The head office of the Foundation shall be at or near the ^{Head office.}City of Toronto.

Objects and powers.

7. The objects of the Foundation shall be and it shall have power,—

- (a) to conduct a programme of research in alcoholism; and
- (b) to establish and operate a hospital for experimentation in methods of treating alcoholics.

By-laws.

8. The Foundation may make such by-laws as may be deemed expedient for the constitution of the Foundation and the administration of its affairs and may do such other things as may be necessary or advisable to carry out its objects.

Power to acquire land and equipment.

9. The Foundation may acquire by purchase or lease any land and buildings and may erect buildings, and may acquire such equipment, instruments, appliances, materials and other things as may be deemed necessary.

Exemption from taxation.

10. The real and personal property, business and income of the Foundation shall be exempt from all assessment and taxation, made, imposed or levied by or under the authority of any Act of this Legislature.

Advisory medical board.

11. There shall be an advisory medical board composed of such psychologists, duly qualified medical practitioners and other persons as the Foundation, with the approval of the Lieutenant-Governor in Council, may appoint.

Director, clerks, etc.

12.—(1) The Foundation may employ a director and such officers, clerks and servants as may be deemed expedient.

Experts.

(2) The Foundation may engage the services of such experts and other persons as may be deemed expedient.

Remuneration and expenses.

13. No member of the Foundation or of the board shall receive any remuneration for his services, but each member shall be paid his proper travelling and other expenses incurred in the work of the Foundation.

Funds of Foundation.

14. The funds of the Foundation shall consist of moneys received by it from any source, including moneys appropriated for its use by the Legislature, and the Foundation may disburse, expend or otherwise deal with any of its funds in such manner as it may deem proper.

Grants in aid.

15. Notwithstanding *The Public Hospitals Act* and *The Hospitals Aid, Act, 1948*, the Lieutenant-Governor in Council may designate any hospital established under this Act as a hospital within the meaning of *The Public Hospitals Act* and a hospital so designated shall be eligible to receive grants under *The Hospitals Aid Act, 1948* in accordance with the regulations under that Act.

Rev. Stat.,
c. 390;
1948, c. 40.

16. The accounts of the Foundation shall be audited ^{Audit.} annually by the Provincial Auditor or by such auditor as the Lieutenant-Governor in Council may designate, and the cost of the audit shall be paid out of the funds of the Foundation.

17.—(1) The Foundation shall make a report annually ^{Annual report.} to the Minister of Health and such report shall contain a financial statement certified by the auditor showing all moneys received and disbursed by the Foundation during the previous fiscal year.

(2) A copy of such report shall be filed with the Provincial ^{Tabling.} Secretary, who shall submit the report to the Lieutenant-Governor in Council and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session.

18. Subject to the approval of the Lieutenant-Governor ^{Regulations.} in Council, the Foundation may make regulations,—

(a) prescribing the powers and duties of the board, the director and other officers; and

(b) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

19. This Act shall come into force on a day to be named by ^{Commence-} the Lieutenant-Governor by his Proclamation. _{ment of Act.}

20. This Act may be cited as *The Alcoholism Research* ^{Short title.} *Foundation Act, 1949.*

CHAPTER 5.

An Act to amend The Arbitration Act.

Assented to March 9th, 1949.
Session Prorogued April 8th, 1949.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Schedule B of *The Arbitration Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 109,
Sched. B,
re-enacted.

SCHEDULE B.

(Sections 18 and 22.)

FEES CHARGEABLE BY ARBITRATORS

1. For every meeting where the reference is not proceeded with, but a postponement is made at the request of any party,
not less than.....\$ 8.00
nor more than.....16.00

2. For every day's sittings, to consist of not less than six hours,
not less than.....20.00
nor more than.....40.00

3. Where a day's sittings consists of more than six hours,
for each additional hour, not less than.....4.00
nor more than.....6.00

4. For every sittings not extended to six hours (fractional parts of hours being excluded) where the reference is actually proceeded with, for each hour occupied,
not less than.....4.00
nor more than.....6.00
2. This Act may be cited as *The Arbitration Amendment Act, 1949.* Short title.

CHAPTER 6.

An Act to amend The Assessment Act.

*Assented to April 1st, 1949.**Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *j* of section 1 of *The Assessment Act* is repealed. Rev. Stat., c. 272, s. 1, cl. j, repealed.
2. Subsection 10 of section 8 of *The Assessment Act* is repealed and the following substituted therefor: Rev. Stat., c. 272, s. 8, subs. 10, re-enacted.
 - (10) No subordinate lodge of any registered friendly society and no officer thereof shall be liable to any business assessment in respect of any business of such subordinate lodge. Friendly society subordinate lodges.
- 3.—(1) Subsection 2 of section 23 of *The Assessment Act* is repealed. Rev. Stat., c. 272, s. 23, subs. 2, repealed.
- (2) Subsection 3 of the said section 23, as amended by section 15 of *The Assessment Amendment Act, 1947* and section 2 of *The Assessment Amendment Act, 1948*, is further amended by striking out "Column 20.—Amount of business assessment under section 8" and inserting in lieu thereof: Rev. Stat., c. 272, s. 23, subs. 3, amended.

Column 20.—Percentage applied in determining the amount of business assessment under section 8.

Column 21.—Amount of business assessment under section 8.
- (3) The said subsection 3 is further amended by striking out: Rev. Stat., c. 272, s. 23, subs. 3, amended.

Column 26.—Number of days statute labour for which each person is liable.

Column 27.—Births.

Column 28.—Deaths.

Rev. Stat.,
c. 272, s. 23,
subs. 6, cl. a
(1941,
c. 5, s. 1),
repealed.

(4) Clause *a* of subsection 6 of the said section 23, as re-enacted by section 1 of *The Assessment Amendment Act, 1941*, is repealed.

Rev. Stat.,
c. 272, s. 33,
re-enacted.

4. Section 33 of *The Assessment Act* and the heading thereto are repealed and the following substituted therefor:

Census.

Yearly cen-
sus of in-
habitants.

33.—(1) The assessor of every municipality shall take a yearly census of the inhabitants of the municipality according to the following age groups:

Group	Age	Group	Age	Group	Age
1.—3	and under	5.—8	and 9	9.—16	to 19
2.—4		6.—10	to 13	10.—20	to 59
3.—5		7.—14		11.—60	to 64
4.—6	and 7	8.—15		12.—65	to 69
				13.—70	and over.

Register
of census.

(2) The assessor shall enter the census in a register to be provided for the purpose by the clerk of the municipality, the register being according to the form and giving the particulars approved by the Department.

Return of
the census.

(3) The register duly completed by the assessor shall be returned to the clerk with the assessment roll or at such other time of the year as the council may by by-law direct.

Rev. Stat.,
c. 272, ss.
59, 60,
re-enacted.

5. Section 59 as amended by subsections 1 and 2 of section 13 of *The Assessment Amendment Act, 1946* and subsections 1 and 2 of section 7 of *The Assessment Amendment Act, 1948*, and section 60 as amended by section 5 of *The Assessment Amendment Act, 1939*, section 14 of *The Assessment Amendment Act, 1946* and section 8 of *The Assessment Amendment Act, 1948*, of *The Assessment Act* are repealed and the following substituted therefor:

Time for
yearly
assessment
and return
of assess-
ment roll.

59.—(1) Except as provided in subsections 2 and 3, in every municipality the assessment shall be taken yearly between the 1st day of January and the 30th day of September and the assessment roll shall be returned to the clerk not later in the same year than the 1st day of October.

Authority to
expedite
return of
assessment
roll.

(2) The council of a municipality may by by-law provide that the assessment shall be taken between the 1st day of January and such day thereafter as is named in the by-law and that the assessment roll shall be returned to the clerk not later in the same year than

the day named in the by-law, but the day named for return of the assessment roll shall be not earlier than the 1st day of July and not later than the 1st day of October in the same year.

- (3) The council of a municipality divided into wards, Special mode for yearly assessment by wards or polling subdivision groups. or where there are no wards, divided into not less than ten polling subdivisions, may by by-law provide that the assessment shall be taken and the assessment roll returned to the clerk by wards or divisions of wards or, where there are no wards, by separate specified groupings of polling subdivisions each group comprising not less than two polling subdivisions; and the by-law shall fix prior and separate periods, dates and times for taking the assessment, for return of the assessment roll and for assessment appeals to the court of revision, in respect of each ward or division of a ward or each group of polling subdivisions, as the case may be, but in no case shall,—
- (a) the time named for return of any of the assessment rolls be later than the 1st day of October;
 - (b) the period named for assessment appeals to the court of revision be less than ten days or more than fourteen days from the day on which the relevant assessment roll is returned;
 - (c) the time fixed for hearing any assessment appeal by the court of revision be earlier than ten days from the day upon which the appeal may last be made or be later than the 15th day of November.
- (4) The provisions of section 73 so far as they are not inconsistent with the provisions of a by-law passed under subsection 3 shall apply to appeals to the court of revision. Application of section 73.
- (5) A by-law passed under subsection 2 or 3 shall remain in force from year to year until repealed. By-laws to have continuing effect.
- (6) Where in any year it appears to the council of a municipality that the assessment roll or the assessment roll of any ward, division of a ward or group of polling subdivisions will not be returned to the clerk by the 1st day of October, the council may, by by-law passed with the approval of the Department, extend the time for return of that assessment roll for such Special extension of time for return of assessment roll.

period, not exceeding sixty days, subsequent to the 1st day of October as appears necessary; provided that when such a by-law is passed, the time for closing the court of revision for that year shall be extended for a period corresponding to that for which the time for return of the assessment roll has been extended.

Time of
passing and
approval of
by-law.

- (7) No by-law passed under subsection 6 shall be valid unless it is approved by the Department and passed by the council on or before the 1st day of October.

Time for
closing
court of
revision.

- (8) Except as provided in subsection 6, in every municipality the court of revision shall hear and dispose of all appeals and certify the assessment roll in every year on or before the 15th day of November.

Special Act
superseded.

- (9) Where the provisions of a special Act conflict with the provisions of this section, the latter shall prevail.

Last revised
assessment
roll.

- 60.—(1) The yearly assessment roll of a municipality last returned to the clerk, when corrected, revised and certified by the court of revision shall be for all purposes the last revised assessment roll of the municipality.

Last revised
assessment
roll where
assessment
taken by
wards, etc.

- (2) Where in a municipality the assessment roll is returned by wards or divisions of wards or by groups of polling subdivisions, as provided for in subsection 3 of section 59, the assessment rolls of all the wards or divisions of wards or of all the groups of polling subdivisions last returned to the clerk, when corrected, revised and certified by the court of revision, shall be for all purposes the last revised assessment roll of the municipality.

Last revised
assessment
roll where
no appeals
are made.

- (3) Where in a municipality no appeals are made to the court of revision and the time for appealing has elapsed, the assessment roll shall be presented by the clerk to the court of revision to be certified, and the assessment roll as so certified shall be for all purposes the last revised assessment roll of the municipality.

Taxation
to be levied
on last
revised
assessment
roll.

- (4) In every municipality the rate of taxation for each year shall be fixed and levied on the assessment taken in the preceding year according to the last revised assessment roll thereof.

Rights of
appeal
preserved.

- (5) Nothing in this section shall in any way deprive any person of any right of appeal provided for in this Act, and the same may be exercised and the appeal proceeded with in accordance with this Act, not-

withstanding that the assessment roll has been certified by the court of revision and become the last revised assessment roll.

- (6) Where as the result of an appeal to the county judge or the Ontario Municipal Board any assessment is added, reduced, increased or otherwise amended or altered, the taxes levied and payable with respect to such assessment shall be adjusted accordingly and, if the taxes levied have been paid, any overpayment shall be refunded by the municipality.

Adjustment
of taxes as
result of
appeal.

- (7) Where the provisions of a special Act conflict with the provisions of this section the latter shall prevail.

Special Act
superseded.

6. *The Assessment Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 272,
amended.

- 65a.—(1) In a city having a population of not less than 200,000 in lieu of the court of revision being constituted as provided in section 65, the council may by by-law constitute one or more courts of revision each of which shall consist of one or three members, as the by-law may provide.

Alternative
form of
court of
revision in
cities of
200,000
population.

- (2) Every member of a court of revision shall be appointed by by-law and hold office during pleasure of the council.

Appointment
of members.

- (3) No person who is or during the preceding year was a member of the city council or an officer or employee of the corporation may be appointed or hold office as a member of a court of revision.

Persons in-
eligible to
be members.

- (4) Where a court of revision consists of three members, two shall form a quorum.

Quorum.

- (5) Each member of the court of revision shall be paid such sum for his services as the council may by by-law provide.

Compensa-
tion.

- (6) A by-law passed under subsection 1 shall remain in force from year to year until it is repealed and while it is in force no court of revision shall be constituted or continue in existence under section 65.

Continuing
effect of
by-law.

7. Section 72 of *The Assessment Act* is amended by striking out the words "seventy-five cents" in the fifth line and inserting in lieu thereof the symbol and figure "\$3", so that the section shall read as follows:

Rev. Stat.,
c. 272, s. 72,
amended.

Penalty for failure to attend as witness.

72. Any person summoned to attend the court of revision or before a county judge under the provisions of this Act as a witness who fails, without good and sufficient reason, to attend, having first been tendered compensation for his time at the rate of \$3 per day and his proper travelling expenses if he resides more than three miles from the place of trial, or who having attended, or being present in court, refuses to be sworn, if required to give evidence, shall incur a penalty not exceeding \$25.

Rev. Stat., c. 272, s. 74, amended.

8. Section 74 of *The Assessment Act*, as amended by section 11 of *The Assessment Amendment Act, 1948*, is further amended by striking out the words "The roll, as finally passed by the court, and certified by the clerk as passed, shall, except in so far as the same may be further amended on appeal to the judge of the county court" in the first, second and third lines and inserting in lieu thereof the words "The roll as finally revised and certified by the court of revision shall, subject to subsections 5 and 6 of section 60", so that the section shall read as follows:

Roll to be binding notwithstanding errors in it or in notice sent to persons assessed.

74. The roll as finally revised and certified by the court of revision shall, subject to subsections 5 and 6 of section 60, be valid, and bind all parties concerned, notwithstanding any defect or error committed in or with regard to such roll, or any defect, error or misstatement in the notice required by section 52, or the omission to deliver or transmit such notice, provided that the provisions of this section in so far as they relate to the omission to deliver or transmit such notice shall not apply to any person who has given the clerk or assessment commissioner the notice provided for in subsection 4 of section 52.

Rev. Stat., c. 272, s. 76, subs. 2, amended.

9.—(1) Subsection 2 of section 76 of *The Assessment Act*, as amended by section 19 of *The Assessment Amendment Act, 1946*, is further amended by striking out the words and figures "the provisions of sections 59 to 63, and to the provisions of" in the first and second lines, so that the subsection shall read as follows:

Service of notice of appeal.

- (2) Subject to any special Act affecting any particular municipality, the person appealing shall, in person or by his solicitor or agent, serve upon the clerk of the municipality (or assessment commissioner, if any there be), within ten days after the date herein limited for the closing of the court of revision, or in case the court shall sit to hear appeals after the said date, then within ten days after the closing of the court, or in case the decision of the court is reserved,

then within ten days after notice thereof has been given by the clerk under subsection 24 of section 73, a written notice of his intention to appeal to the county judge.

(2) The said section 76 is further amended by adding thereto the following subsection: Rev. Stat., c. 272, s. 76, amended.

(2a) In any municipality in which a by-law has been passed under subsection 3 of section 59, the provisions of this section so far as they are not inconsistent with the provisions of such by-law, shall apply to appeals to the county judge, except that the time for appealing shall be within ten days after the decision of the court of revision where it is given at the hearing of the appeal, and where it is reserved, within ten days after written notice of such decision has been delivered to the appellant or sent to him by registered mail by the clerk of the court. Where by-law under s. 59, subs. 3, in force.

(3) Subsection 7 of the said section 76 is repealed and the following substituted therefor: Rev. Stat., c. 272, s. 76, subs. 7, re-enacted.

(7) At the court so held the judge shall hear the appeals and may adjourn the hearing from time to time and defer judgment thereon at his pleasure, but so that, subject to any special Act affecting a particular municipality, all appeals are determined not later than the 15th day of December in the year in which the appeals are made. Appeals to be determined by December 15th.

(7a) Where the assessment is taken and the assessment roll is returned by wards or divisions of wards or by groups of polling subdivisions in any municipality, the county judge shall arrange from time to time throughout the year to sit and hear appeals from the court of revision upon the determination of appeals made to the court with respect to each roll, but so that all appeals are determined not later than the 15th day of December in the year in which the appeals are made. Judge to hear appeals continuously where roll returned by wards, etc.

(7b) Where in any year the time for closing the court of revision in a municipality is extended under subsection 6 of section 59, the time for the judge to determine appeals is correspondingly extended. Extension or time for determination of appeals.

10. *The Assessment Act* is amended by adding thereto the following section: Rev. Stat., c. 272, amended.

90a.—(1) The council of a county may in any year by by-law approved by the Department and passed on or before the 1st day of July extend the time,— Extensions of time for equalization proceedings.

- (a) for making the report of the county assessor mentioned in subsection 1 of section 89a, for such period, not exceeding sixty days after the 1st day of June, as the by-law may provide;
- (b) for examining the assessment rolls and passing the equalization by-law mentioned in section 90, for such period, not exceeding sixty days after the 1st day of July, as the by-law may provide;
- (c) for disposition of an equalization appeal under section 91, for such period, not exceeding sixty days after the 1st day of January next following, as the by-law may provide.

Rev. Stat., c. 272, s. 91, amended. **11.** Section 91 of *The Assessment Act* is amended by adding thereto the following paragraph:

Appointment of Ontario Municipal Board in lieu of a court.

- 4a. The Lieutenant-Governor in Council in lieu of appointing persons to form a court as provided in paragraph 4 may direct that the appeal be heard and determined by the Ontario Municipal Board, in which case the Board shall hear and determine the appeal as if it were being heard and determined by the county judge.

Rev. Stat., c. 272, s. 120, subss. 4, 5, re-enacted. **12.** Subsections 4 and 5 of section 120 of *The Assessment Act* are repealed and the following substituted therefor:

Collectors' interim returns in cities, towns and villages.

- (4) The collector of every city, town and village shall, until the final return of the roll, pay over to the treasurer of the city, town or village the amount of his collections once every week or more often if the council by by-law so requires.

Collectors' interim returns in townships.

- (5) The collector of every township shall, until the final return of the roll, pay over to the treasurer of the township the amount of his collections once every two weeks or more often if the council by by-law so requires.

Rev. Stat., c. 272, s. 134, amended. **13.—**(1) Section 134 of *The Assessment Act* is amended by striking out the words "or fifteen days before such other date as may be fixed by any by-law passed under sections 59 to 63 for the assessor to begin to make his assessment roll" in the eleventh, twelfth, thirteenth and fourteenth lines, so that subsection 1 of the section shall read as follows:

Lists of lands three years in arrears for taxes to be furnished to clerks.

- (1) The treasurer of every county shall furnish to the clerk of each municipality in the county except those whose officers have power to sell lands for arrears of taxes, and the treasurer of every such last

mentioned municipality shall furnish to the clerk of the municipality (or in cities having an assessment commissioner, the treasurer of the city shall furnish to the assessment commissioner) a list of all the lands in the municipality in respect of which any taxes have been in arrears for the three years next preceding the 1st day of January in any year, and the said list shall be so furnished on or before the 1st day of February in every year and shall be headed in the words following: "*List of lands liable to be sold for arrears of taxes in the year 19*;" and, for the purpose of the computation of such three years, the taxes for each year shall be deemed to have been in arrears on and from the 1st day of January in such year.

(2) The said section 134 is further amended by adding thereto the following subsection: Rev. Stat., c. 272, s. 134, amended.

- (2) Where in any year the list referred to in subsection 1 has been furnished to the clerk or assessment commissioner of a municipality, the treasurer who furnished the same shall not later than the 15th day of September in that year, or such earlier date as the clerk or assessment commissioner may request in writing, furnish a supplemental list to the clerk or assessment commissioner showing thereon the lands, if any, included in the earlier list which at the date of the supplemental list are no longer liable to be sold for arrears of taxes. Treasurer to furnish supplemental list of lands no longer liable to be sold.

14. Section 135 of *The Assessment Act* is amended by adding thereto the following subsection: Rev. Stat., c. 272, s. 135, amended.

- (1a) Where in any year the clerk or assessment commissioner of a municipality is furnished with the supplemental list mentioned in subsection 2 of section 134, he shall forthwith deliver a copy thereof to the assessor and after its delivery to the assessor subsections 1 and 2 shall cease to apply in respect of the lands shown on the supplemental list. Assessor to be furnished with copy of supplemental list of lands no longer liable to be sold.

15. Section 178 of *The Assessment Act* is amended by adding thereto the following subsection: Rev. Stat., c. 272, s. 178, amended.

- (3a) The notice mentioned in subsection 3 shall have attached thereto or endorsed thereon a statutory declaration of the treasurer setting forth the names and addresses of all persons to whom he has sent the notice required by subsection 2 and the date of sending the same to each such person. Registered notice to be verified by affidavit as to sending of notices.

Rev. Stat.,
c. 272,
Form 2,
repealed.

16. Form 2 of *The Assessment Act* is repealed.

Commence-
ment of Act.

17.—(1) This Act except sections 1, 3, 4, 5, 8, 9, 10 and 16 shall come into force on the 1st day of June, 1949.

Idem.

(2) Sections 1, 3, 4, 5, 8, 9, 10 and 16 shall come into force on the 1st day of January, 1950.

Short title.

18. This Act may be cited as *The Assessment Amendment Act, 1949*.

CHAPTER 7.

An Act to amend The Athletics Control Act, 1947.

*Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *b* of section 1 of *The Athletics Control Act*, 1947, c. 4, s. 1, cl. *b*, 1947, as amended by section 1 of *The Athletics Control Amendment Act*, 1948, is repealed. repealed.

(2) Clause *c* of the said section 1 is repealed and the following substituted therefor: 1947, c. 4,
s. 1, cl. *c*,
re-enacted.

(c) "Minister" shall mean such Minister as may from time to time be designated by the Lieutenant-Governor in Council.

2. Subsection 1 of section 4 of *The Athletics Control Act*, 1947 is repealed and the following substituted therefor: 1947, c. 4,
s. 4, subs. 1,
re-enacted.

(1) Every person conducting a professional boxing or wrestling contest or exhibition shall pay to the Minister an amount not less than one per centum and not exceeding five per centum of the gross receipts in respect of such contest or exhibition as shall be determined by the Minister with the approval of the Lieutenant-Governor in Council.

3.—(1) Section 8 of *The Athletics Control Act*, 1947, as re-enacted by section 3 of *The Athletics Control Amendment Act*, 1948, is repealed. 1947, c. 4,
s. 8 (1948,
c. 6, s. 3),
repealed.

(2) All moneys now in the Athletics and Physical Education Fund shall be paid into the Consolidated Revenue Fund. Disposition
of moneys.

4. Section 9 of *The Athletics Control Act*, 1947 is amended by inserting after the article "the" in the fourth line the words "Consolidated Revenue", so that the section shall read as follows: 1947,
c. 4, s. 9,
amended.

Payment
into Fund.

9. The moneys received by the Minister under section 4 together with all moneys received from licence and permit fees, fines and other pecuniary penalties and the impounding of purses or other remuneration shall be paid into the Consolidated Revenue Fund.

1947,
c. 4, s. 10,
repealed.

5. Section 10 of *The Athletics Control Act, 1947*, as amended by section 4 of *The Athletics Control Amendment Act, 1948*, is repealed.

1947,
c. 4, s. 14,
subs. 2,
amended

6. Subsection 2 of section 14 of *The Athletics Control Act, 1947*, as amended by section 5 of *The Athletics Control Amendment Act, 1948*, is further amended by inserting after the article "the" in the amendment of 1948 the words "Consolidated Revenue", so that the subsection shall read as follows:

Personal
property
of Ontario
Athletic
Commission.

- (2) All personal property of the Ontario Athletic Commission appointed under *The Athletic Commission Act, 1939*, shall be the property of His Majesty in right of Ontario represented by the Minister, and such part thereof as consists of money and securities shall be credited to and form part of the Consolidated Revenue Fund.

Commence-
ment of Act.

7. This Act shall come into force on the 1st day of April, 1949.

Short title.

8. This Act may be cited as *The Athletics Control Amendment Act, 1949*.

CHAPTER 8.

An Act to amend The Boards of Education Act.

*Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of section 1 of *The Boards of Education Act*, as amended by section 1 of *The Boards of Education Amendment Act, 1948*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 361, s. 1,
cl. *c*,
re-enacted.

- (*c*) "Municipal board" and "municipal board of education" shall mean a board of education organized under section 2, 2*a*, 2*b* or 2*c* of this Act.

"Municipal board" and "municipal board of education".

2. Section 2 of *The Boards of Education Act*, as amended by section 1 of *The School Law Amendment Act, 1943* and section 2 of *The Boards of Education Amendment Act, 1948*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 361, s. 2,
re-enacted.

- 2.—(1) Subject to the approval of the Minister first being obtained, where a high school district does not extend beyond the limits of the municipality, the council of a city, town, village or township may, on or before the 1st day of July in any year, pass a by-law establishing a municipal board for the district, whereupon the elective members of the board shall be elected at the next ensuing municipal election, and the members to be appointed shall be appointed and the board organized in accordance with this Act.
- (2) Such by-law may be passed notwithstanding that a union board already exists in the municipality.
- (3) Upon the organization of the board, all the property theretofore vested in any high school board, public school board or union board within the district shall become vested in the municipal board, and all debts, contracts and agreements for which the previous boards were liable shall become obligations of the municipal board.

Municipal board in high school district comprising one municipality.

By-law may be passed where union board exists.

Assets and liabilities vested in municipal board.

Rev. Stat.,
c. 361,
amended.

3. *The Boards of Education Act* is amended by adding thereto the following sections:

Municipal
board for
adjoining
municipali-
ties in
territorial
districts.

Rev. Stat.,
c. 360.

2c.—(1) Subject to the approval of the Minister first being obtained, where a high school district has been established by two or more adjoining municipalities in a territorial district under *The High Schools Act*, the councils of the adjoining municipalities may, on or before the 1st day of July in any year, pass by-laws establishing a municipal board for the district, whereupon the elective members of the board shall be elected at the next ensuing municipal elections, and the members to be appointed shall be appointed and the board organized in accordance with this Act.

Assets and
liabilities.

(2) Upon the organization of the board, the provisions of subsection 2 of section 2a shall apply.

By-law
although
high school
district not
in effect.

2d. A by-law establishing a municipal board may be passed notwithstanding that the by-law or by-laws establishing the high school district have not come into effect, and in such case, no high school board shall be organized under *The High Schools Act*.

Rev. Stat.,
c. 361, s. 5,
subs. 1,
amended.

4.—(1) Subsection 1 of section 5 of *The Boards of Education Act* is amended by striking out the figures "200,000" in the second line and inserting in lieu thereof the figures "100,000", so that the subsection shall read as follows:

Election of
members by
wards in
cities.

(1) The council of any city having a population of not less than 100,000 may at any time before the 1st day of October in any year submit to a vote of the persons qualified to vote for public school trustees the question "Are you in favour of electing the Board of Education by wards?"

Submission
of question.

(2) The said section 5 is further amended by adding thereto the following subsection:

Submission
of question
where by-
law not
in effect.

(1a) The question provided for in subsection 1 may be submitted notwithstanding that the by-law establishing a municipal board for the city has not come into effect, and in case the question is answered in the affirmative by a majority of the persons voting thereon, the elective membership of the municipal board shall consist of two members to be elected in each ward of the city.

5. Subsection 1 of section 12 of *The Boards of Education Act*, as amended by section 2 of *The School Law Amendment Act, 1944*, is further amended by striking out the words "the municipality in which the high school district is situate" in the seventh and eighth lines and inserting in lieu thereof the words "each municipality which or part of which is included in the high school district", so that the subsection shall read as follows:

Rev. Stat.,
c. 361, s. 12,
subs. 1,
amended.

- (1) A high school board of a high school district which is composed of a municipality, a part of a municipality, two or more municipalities or parts thereof in which a municipal board has not been organized and the board of public school trustees of a school section which is composed of the same area as such high school district may unite as a union board of education on filing with the clerk of each municipality which or part of which is included in the high school district certified copies of resolutions providing for such union passed at separate meetings of each of the boards called for the purpose of considering such union.

Formation
of union
boards.

6. *The Boards of Education Act* is amended by adding thereto the following section:

Rev. Stat.,
c. 361,
amended.

- 18a. A municipal board of a high school district which comprises two or more municipalities or parts thereof may pay to each member a mileage allowance not exceeding seven cents for each mile necessarily travelled by him in going to the meetings of the board from his home and in returning to his home, and may pay to each member a sum not exceeding \$5 for each of not more than twelve meetings attended by such member in any one year.

Mileage
allowance
and fee for
attendance
at meetings.

7. This Act shall come into force on the day it receives the Royal Assent.

Commence-
ment of Act.

8. This Act may be cited as *The Boards of Education Amendment Act, 1949*.

Short title.

CHAPTER 9.

An Act to amend The Change of Name Act, 1948.

*Assented to April 1st, 1949.**Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 of section 9 of *The Change of Name Act, 1948* is amended by striking out all the words after the word “application” where it occurs the first time in the fifth line, so that the subsection shall read as follows:

(2) Where, on an application, the consent of any person is required under subsection 3 or 4 of section 6, section 7 or section 8, the consent in writing of all of such persons shall be obtained, and all of such persons shall appear upon the hearing of the application.

(2) The said section 9 is further amended by adding thereto the following subsection:

(3) Notwithstanding subsection 2, where the judge is satisfied that the other parent in the case of an application under section 6, or the husband in the case of an application under section 8, does not contribute to the support of the applicant or the children on whose behalf the application is made, or cannot be found, or is incapable of giving such consent, or for any other reason is a person whose consent ought to be dispensed with, the judge may dispense with the service of the notice of the application on such person and may hear the application in his absence and without his consent.

2. This Act shall come into force on the day it receives the Royal Assent.

3. This Act may be cited as *The Change of Name Amendment Act, 1949*.

CHAPTER 10.

An Act respecting Certain Charitable and Other Gifts.

*Assented to April 8th, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Wherever any interest in any business that is carried on for gain or profit is given to or vested in any person in any capacity for any religious, charitable, educational or public purpose, such person shall dispose of such portion thereof that represents more than a ten per centum interest in such business. Where interest to be disposed of.

(2) Subsection 1 shall not apply to any interest in any business given to or vested in any organization of any religious denomination. Exception.

(3) Where the interest so given or vested is subject to any life interest, life annuity or income for life, so much of the interest so given or vested as is necessary to provide such life interest, life annuity or income for life shall be deemed to be so given or vested when such life interest, life annuity or income for life ceases to exist. Life interests, etc.

2.—(1) Where the interest was so given or vested before the day on which this Act came into force, section 1 shall be complied with within seven years after such day or within such extended period as may be determined by the Supreme Court. Gifts before commencement of Act.

(2) Where the interest is so given or vested on or after the day on which this Act came into force, section 1 shall be complied with within seven years after such interest is so given or vested or within such extended period as may be determined by the Supreme Court. Gifts after commencement of Act.

3.—(1) Where and so long as the interest so given or vested represents more than a fifty per centum interest in such business the person to whom it is given or in whom it is vested Determination of profits.

and the Public Trustee shall on or before the 30th day of June in each year determine jointly the amount of the profits earned by such business in its fiscal year ending during the calendar year next preceding.

Distribution
of profits.

(2) The interest of such person in the then undistributed profits shall be paid over by such business to such person in the amounts and on the dates determined jointly by such person and the Public Trustee.

Determina-
tion by
Supreme
Court.

(3) If such person and the Public Trustee fail to determine jointly any matter mentioned in subsection 1 or 2 the matter shall be determined by the Supreme Court.

Annual
return.

(4) For the purposes of this section such person shall on or before the 31st day of March in each such year deliver to the Public Trustee a return with respect to its fiscal year ending during the calendar year next preceding showing,—

- (a) the assets and liabilities of such business;
- (b) all accounts of profit and loss of such business;
- (c) the particulars of any fee paid to any director; and
- (d) where the amount of salary and other remuneration paid to any person is \$8,000 or more, the particulars thereof,

and such return shall be verified by the certificate of an officer of such business that the statements therein are true.

Examina-
tion of
books, etc.

(5) For the purposes of this section the Public Trustee may require such further or other information and may make such examination of the accounts and records of such business as he deems necessary.

Rights of
acquisition

4. Where any interest in any business is being disposed of pursuant to section 1, any person acquiring any portion of such interest for other than religious, charitable, educational or public purposes may, subject to the approval of the Supreme Court as to the consideration for and the terms and conditions of the acquisition, so acquire such portion notwithstanding that he is the person disposing of such interest or is an officer, director, agent or employee of such person.

Investment
of proceeds.

Rev. Stat.,
c. 251.

5. The proceeds of any such disposition may be invested only in investments authorized by *The Companies Act* for the investment of the funds of joint stock insurance companies, but no such investment shall be made that results in such person holding more than a ten per centum interest in any one corporation.

6.—(1) The Treasurer of Ontario may appoint any person to make such investigation as he deems expedient respecting any interest in any business that has been given to or vested in any person for any religious, charitable, educational or public purpose or respecting any person to or in whom any such interest has been given or vested. Investigation.

(2) Every person so appointed shall have the same powers as may be given to a commissioner appointed under *The Public Inquiries Act*. Powers of investigator.
Rev. Stat.
c. 19.

7. Where any person contravenes any provision of this Act the Supreme Court shall make such orders as are necessary to carry out the provisions of this Act. Powers of Court.

8. Any person who contravenes any provision of this Act shall be guilty of an offence and shall be liable on summary conviction to a penalty of not less than \$100 or more than \$5,000 or to imprisonment for any term not exceeding one year, or to both fine and imprisonment. Offences and penalties.

9. Nothing in this Act shall affect the operation of *The Charities Accounting Act*. Rev. Stat.,
c. 167 not
affected.

10. This Act shall come into force on the day it receives the Royal Assent. Commence-
ment of Act.

11. This Act may be cited as *The Charitable Gifts Act, 1949*. Short title.

CHAPTER 11.

An Act to amend The Children's Protection Act.

Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subclause x of clause j of section 1 of *The Children's Protection Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 312, s. 1,
cl. j,
subcl. x,
re-enacted.

- (x) a child born out of lawful wedlock who is deserted, or whose mother is dead and who is not being properly cared for by anyone, or whose mother is unable, or through misconduct is unfit, to properly care for him.

2. Subsection 16 of section 7 of *The Children's Protection Act* is repealed. Rev. Stat.,
c. 312, s. 7,
subs. 16,
repealed.

3. Section 10 of *The Children's Protection Act*, as amended by section 4 of *The Statute Law Amendment Act, 1942* and section 2 of *The Children's Protection Amendment Act, 1947*, is further amended by adding thereto the following subsections: Rev. Stat.,
c. 312, s. 10,
amended.

- (11) Where an order is made against a municipality under subsection 1 there shall be paid to the municipality an amount equal to twenty-five per centum of the amount of the net expenditures of the municipality under such order. Provincial
aid to
maintenance
of children.

- (12) The amounts payable to a municipality under subsection 11 shall be paid out of such moneys as may be appropriated therefor by the Legislature. Moneys to
be voted.

4. Section 40 of *The Children's Protection Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 312, s. 40,
re-enacted.

- 40.—(1) In accordance with the regulations there shall be paid to each children's aid society in each year a grant of such amount as may be approved by the Lieutenant-Governor in Council. Grants to
children's
aid societies.

- (2) There shall be paid to each children's aid society an amount equal to twenty-five per centum of the Provincial
aid to
children's
aid societies.

amount of the funds it obtains each year from any campaign conducted to obtain private donations, whether the campaign is conducted by the society only or is part of a joint campaign but not from endowments, investments or payments made by a municipality as grants in excess of its statutory liability under this Act.

Moneys to
be voted.

- (3) The amounts payable to children's aid societies under this section shall be paid out of such moneys as may be appropriated therefor by the Legislature.

Regulations.

41. The Lieutenant-Governor in Council may make regulations,—

- (a) prescribing the manner of computing the amounts of provincial grants or subsidies under this Act;
- (b) prescribing the conditions, times or manner of payment of provincial grants or subsidies under this Act;
- (c) prescribing the records to be kept under this Act and the returns to be made to the Minister;
- (d) prescribing the forms to be used under this Act;
- (e) prescribing the duties of children's aid societies and prescribing the qualifications of members of their staffs;
- (f) governing the appointment and qualifications of local superintendents and prescribing their powers and duties;
- (g) governing the construction, alteration and remodelling of shelters; and
- (h) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Commence-
ment of Act.

5. This Act shall come into force on the day it receives the Royal Assent.

Short title.

6. This Act may be cited as *The Children's Protection Amendment Act, 1949*.

CHAPTER 12.

An Act to amend The College of Art Act.

*Assented to April 1st, 1949.**Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The College of Art Act* is amended by adding thereto the following clause: Rev. Stat.,
c. 377, s. 1,
amended.

(c) "Minister" shall mean Minister of Education. "Minister".

2.—(1) Subsection 1 of section 5 of *The College of Art Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 377, s. 5,
subs. 1,
re-enacted.

(1) The Council shall be composed as follows: Composition
of Council.

(a) the Lieutenant-Governor in Council may appoint twelve members who shall hold office during pleasure; and

(b) the Art Gallery of Toronto, the Ontario Society of Artists, the Toronto Graphic Arts Association, the Canadian Lithographers Association, the Ontario Association of Architects, the Toronto Camera Club, the Women's Art Association of Canada, the Trades and Labour Council of the City of Toronto, the Canadian Manufacturers Association, the Association of Canadian Advertisers, and the Senate of the University of Toronto shall each appoint one member who shall hold office for one year.

(2) Notwithstanding subsection 1 of section 5 of *The College of Art Act*, as re-enacted by subsection 1 of this section,— Continuance
in office of
present
members of
Council.

(a) the present members of the Council of the Ontario College of Art appointed by the Lieutenant-Governor in Council shall continue to hold office during pleasure, provided that when the first vacancy in such membership occurs, no appointment shall be made to fill such vacancy; and

- (b) the other present members of the Council shall continue to hold office until the 31st day of December, 1949.

Rev. Stat.,
c. 377, s. 7,
re-enacted.

- 3.** Section 7 of *The College of Art Act* is repealed and the following substituted therefor:

Time for
appoint-
ments.

7. Appointments to the Council under clause *b* of subsection 1 of section 5 shall be made at the first meeting of the appointing body in the calendar year.

Rev. Stat.,
c. 377, s. 8,
amended.

- 4.** Section 8 of *The College of Art Act* is amended by striking out the words "in the month of November" in the third line, so that the section shall read as follows:

Meetings.

8. The Council shall meet at least four times in every year, and one of such meetings, to be called the annual meeting, shall be held upon such date as may be fixed by the by-laws of the Council.

Rev. Stat.,
c. 377,
amended.

- 5.** *The College of Art Act* is amended by adding thereto the following section:

Annual
report.

- 22.—(1) The Council shall after the close of each fiscal year, through the Minister, file with the Provincial Secretary an annual report upon the affairs of the College.

Tabling.

- (2) The Provincial Secretary shall submit the report to the Lieutenant-Governor in Council and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session.

Commence-
ment of Act.

- 6.** This Act shall come into force on the day it receives the Royal Assent.

Short title.

- 7.** This Act may be cited as *The College of Art Amendment Act, 1949*.

CHAPTER 13.

The Community Centres Act, 1949.

*Assented to March 9th, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) "community centre" means community hall, athletic field, skating arena or outdoor skating rink; "community centre";
- (b) "Minister" means Minister of Agriculture; "Minister";
- (c) "regulations" means regulations made under this Act. "regulations".
R.S.O. 1937, c. 284, s. 1, *amended*.

2.—(1) The Minister may grant aid to any municipality to assist in the establishment of a community centre, but no grant shall exceed \$5,000 nor twenty-five per centum of the cost of a building or that part of a building designed for a community hall or skating arena or of the cost of an athletic field or outdoor skating rink. Grants to municipalities for community centres.

(2) Grants may be made to assist in the establishment by any municipality of more than one community centre. *Idem*. R.S.O. 1937, c. 284, s. 2 (1); 1948, c. 12, s. 1, *amended*.

(3) Notwithstanding subsection 1, where a building is designed to include both a community hall and a skating arena, the Minister may make a grant not exceeding \$10,000 nor twenty-five per centum of the total cost of the building or that part of the building designed for the community hall and skating arena. *New*. Combined community hall and skating arena.

(4) The grants shall be payable out of such moneys as may be appropriated therefor by the Legislature. R.S.O. 1937, c. 284, s. 2 (3), *amended*. Provision for moneys required.

3. All the property acquired for the purposes of this Act shall, except as hereinafter provided, be vested in the municipality. R.S.O. 1937, c. 284, s. 3, *amended*. Property vested in corporation.

By-laws for
establish-
ment of
community
centres.

4.—(1) The council of any municipality may by by-law provide for the establishment of one or more community centres in accordance with this Act, and may acquire by purchase or otherwise real and personal property for that purpose, and may enter into an agreement with the council of any adjoining municipality for the joint use of a community centre by the inhabitants of the municipalities upon such terms as to contribution to the cost of the community centre and as to the maintenance thereof as may be agreed upon, but notwithstanding any such agreement, the aid granted under this Act shall not exceed the amount mentioned in section 2.

By-law for
acquiring
land in
another
municipi-
pality.

(2) The by-law may provide for acquiring land and establishing a community centre in an adjacent or contiguous municipality, but real property so acquired or held in an adjacent or contiguous municipality shall not be exempt from taxation by the municipality in which it is situate unless the council of such last-mentioned municipality by by-law declares that it shall be so exempt.

Exempting
such lands
from
taxation.

(3) The council of a municipality in which a community centre is established by the council of another municipality may grant such total or partial exemption from taxation as the council may deem proper and may enter into an agreement with the municipality establishing the community centre for granting such exemption.

Debentures.

Rev. Stat.,
c. 266.

(4) A municipality may issue debentures for the purposes of subsection 1 in the manner provided by *The Municipal Act*. R.S.O. 1937, c. 284, s. 4, *amended*.

Community
centre for
school
sections.

5.—(1) Upon a petition being presented to the council of a township, signed by more than one-half the number of ratepayers in any school section or by more than one-half the number of ratepayers in each of two or more school sections or parts thereof in the township and praying that the council pass a by-law for the establishment of a community centre for such school section or sections or parts, the council may pass a by-law for the establishment of such community centre in any school section or in any village adjacent or contiguous thereto.

Issue of
debentures.

Rev. Stat.,
c. 266.

(2) The moneys required for the establishment of a community centre under this section, may be raised by the issue of debentures of the township in the manner provided by *The Municipal Act*, but it shall not be necessary to procure the assent of the ratepayers for the passing of any by-law for the issue of such debentures, and all moneys required to provide for principal and interest on the debentures issued under this section or for any other purpose in connection with

the establishment of a community centre for a school section shall be raised by special rate upon all property subject to municipal taxation in the school section or school sections or parts, and in this section "ratepayers" means persons assessed and liable to taxation for general municipal purposes. R.S.O. 1937, c. 284, s. 6 (1, 2), *amended*.

(3) Notwithstanding subsection 2, where there are profits from the operations of a community centre, the board of management may apply the profits or part of the profits to the principal and interest on any debentures issued under this section. *New.*

Use of profits to pay off debentures.

(4) Where debentures are issued under this section, such debentures shall constitute a debt of the corporation of the township to the holder of the debentures and the property liable to assessment and taxation in the school section or school sections or parts shall be liable to the township as a whole for any amounts paid by the township on account of the debentures or interest thereon.

Debentures to be a debt of township.

(5) Where a township council has passed a by-law for establishing a community centre for a school section, the township council by by-law, upon request of the board of school trustees, may vest the property in the board which shall thereupon have power to hold the property and shall perform the functions of the board of management as set forth in section 6.

Property may be vested in board of school trustees.

(6) In the case of a union school section composed of parts of two adjacent counties, the council of the municipality that passes the by-law for the establishment of a community centre shall have all the powers and perform all the duties that may be exercised or are to be performed under this Act in the same manner as if the whole of the school section were within the said municipality and the lands in the union school section shall, for the purposes of this Act, be deemed to lie wholly within and to be under the exclusive jurisdiction of the council passing the by-law.

In union school section.

(7) The clerk of the said council shall forthwith after the passing of the by-law imposing the special rates to pay the cost of the establishment of a community centre deliver or transmit by registered post to the clerk of the municipality in which is situate any land upon which a special rate has been imposed, a certified copy of the by-law.

Transmission of copy of by-law to other municipalities.

(8) The rates required by the by-law to be levied and collected in any year upon land in any municipality other than that by the council of which the by-law is passed shall be collected by the council of such municipality in like manner as if such rates had been imposed by that council.

Collection of rates in union section.

Payment of
share by
other
municipi-
palities.

(9) The municipality other than that by the council of which the by-law is passed shall pay to the last-mentioned municipality the sums that are to be levied and collected in that year under subsection 8, and such payments shall be made on demand therefor at any time after the 14th day of December in that year, and shall be made whether or not such rates have been collected from the persons liable to pay them.

Lands to
remain
liable.

(10) Such payments shall not relieve any lands specially assessed from the special rate thereon, and such lands shall remain liable for the special rate until it is paid. R.S.O. 1937, c. 284, s. 6 (3-9), *amended*.

Township
school areas.
Rev. Stat.,
c. 357.

(11) Where a township school area has been established under *The Public Schools Act* this section shall apply *mutatis mutandis* to the area or any part thereof. 1948, c. 12, s. 2.

Appoint-
ment of
board.

6.—(1) Every community centre established by a municipality under this Act shall be under the management and control of a board appointed by the council of the municipality, composed as follows:

(a) two members of the council; and

(b) five members selected by the council from among the officers of the local organizations for the use of which the community centre is established, and in selecting such representatives the council shall have regard to the contribution by each organization to the erection and maintenance of the community centre. R.S.O. 1937, c. 284, s. 7 (1), *amended*.

Joint
board.

(2) The council may appoint one board in the manner provided in subsection 1 to manage and control any or all community centres established by the municipality. *New*.

Vacancies
on board.

(3) The council may fill any vacancy arising on the board from among the class of representatives in which the vacancy occurs.

Term of
office.

(4) The representatives of the council shall be appointed annually, and shall hold office until their successors are appointed, and every other member of the board shall hold office for two years from the date of his appointment and until his successor is appointed. R.S.O. 1937, c. 284, s. 7 (2, 3), *amended*.

Board may
make rules
and fix
charges.

(5) The board of a community centre may make such rules as it deems necessary relating to the management and control thereof and may fix such charges for the use of the community centre as it deems advisable. 1948, c. 12, s. 3, *amended*.

7. Any municipality entering into an agreement for the joint use of a community centre, and any of the societies or other bodies by which a community centre may be used under the regulations, may make grants out of any moneys in their hands in aid of the erection and maintenance of a community centre established under this Act. R.S.O. 1937, c. 284, s. 8, *amended*.

Grants in aid from other bodies.

8. The Minister may make grants to a public, separate, continuation or high school board, or board of education, to provide for an athletic field of satisfactory area or an outdoor skating rink, on the same terms as herein set forth, except that such fields and rinks shall be managed and conducted by the school board or board of education under the regulations of the Department of Education, and such property shall be vested in the school board or board of education, provided always that the rinks and athletic fields shall be available for the purposes permitted by the regulations. R.S.O. 1937, c. 284, s. 9, *amended*.

Grants to school boards.

9. Where aid has been granted under this Act to assist in building a community centre out of moneys appropriated therefor by the Legislature, such community centre shall not be sold or disposed of within twenty years from the time the aid was last granted without the approval of the Minister. R.S.O. 1937, c. 284, s. 12, *amended*.

Disposal of community centre.

10. The Lieutenant-Governor in Council may make regulations,—

Regulations.

- (a) prescribing the terms and conditions upon which aid may be granted under this Act;
- (b) prescribing the uses to which a community centre may be put, and the accommodation which may be provided therein;
- (c) prescribing the powers and duties of boards of management, and providing for the appointment of officers of such boards;
- (d) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1937, c. 284, s. 10, *amended*.

11. *The Community Halls Act and The Community Halls Amendment Act, 1948* are repealed.

Rev. Stat., c. 284; 1948, c. 12, repealed.

12. This Act shall be deemed to have come into force on the 1st day of May, 1948.

Commencement of Act.

13. This Act may be cited as *The Community Centres Act*, 1949.

Short title.

CHAPTER 14.

An Act to amend The Companies Act.

*Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Part XII of *The Companies Act*, as amended by section 3 of *The Companies Amendment Act, 1941* and section 5 of *The Statute Law Amendment Act, 1942*, is repealed and the following substituted therefor: Rev. Stat., c. 251, Part XII, re-enacted.

PART XII.

CO-OPERATIVE CORPORATIONS.

140.—(1) All corporations heretofore or hereafter made subject to Part XII of *The Companies Act* by the letters patent or supplementary letters patent shall be subject to this Part. Application of Part.

(2) Except where inconsistent with the provisions of this Part, the other provisions of this Act shall apply to a corporation which is subject to this Part. Application of Act.

141. In this Part, except in subsections 3 and 5 of section 142, "corporation" and "company" shall mean a corporation and company respectively which is subject to this Part. "Corporation" and "company" defined.

142.—(1) The corporate name of every corporation shall include the word "co-operative" as part thereof. Corporate name.

(2) Where a corporation, or any director, manager, officer, employee, shareholder or member uses the name of the corporation the word "co-operative" may be abbreviated to "co-op". Abbreviation.

(3) Any person, partnership, organization, society, association, company or corporation, either unincorporated or incorporated, not being a corporation subject to this Part, using in Ontario a name which includes the word "co-

operative" or any abbreviation or derivation thereof shall be guilty of an offence, and any person using such name on behalf of such person, partnership, organization, society, association, company or corporation shall also be guilty of an offence.

Penalty. (4) Every person guilty of an offence under subsection 3 shall be liable to a fine not exceeding \$100, and in default of payment to imprisonment for a term not exceeding three months.

Exceptions. (5) Subsection 3 shall not apply to a corporation incorporated by or under the authority of the Parliament of Canada, to a corporation licensed under *The Extra Provincial Corporations Act* or to a corporation heretofore incorporated under the laws of Ontario.

Share capital. 143.—(1) The share capital of a company incorporated after the 31st day of May, 1949, shall consist of one class of shares with a nominal or par value of \$5 or any multiple of \$5 not exceeding \$100, to be designated as co-operative or co-op shares.

Share certificates. (2) Every share certificate issued after the 31st day of May, 1949, shall,—

(a) bear upon its face the name of the company, the words "incorporated as a co-operative company and subject to Part XII of *The Companies Act* of Ontario", and a statement of the authorized capital;

(b) state the number of shares represented thereby;

(c) state that shares are not transferable without the authorization of the directors;

(d) set forth the provisions of section 152;

(e) state that the dividend, if any, to which the holder of a share may become entitled shall not exceed eight per centum per annum on the amount paid up thereon; and

(f) state that the company may by by-law limit the amount to be distributed for each share on the dissolution of the company to the amount paid up on such share together with declared and unpaid dividends.

Member loans.

144.—(1) The capital of corporations without share capital may be in the form of loans from members, called

member loans, and such loans may be in such amounts, payable on demand or at such times and either without interest or with interest at a rate not exceeding six per centum per annum, as the by-laws may provide.

(2) A corporation may borrow money from its shareholders or members in such amounts payable on demand or at such times and either without interest or with interest at a rate not exceeding six per centum per annum, as the by-laws may provide. Borrowing from members or shareholders.

145. Where a member of a corporation without share capital dies or does not transact any business with the corporation for a period of two years, the directors may terminate the membership, and upon such termination the corporation shall pay any money owing to the member. Termination of membership.

146.—(1) No share of a company shall be transferred unless authorized by the board of directors. Transfer of shares.

(2) No membership in a corporation without share capital shall be transferred unless authorized by the board of directors. Memberships.

147.—(1) No individual member or shareholder of a corporation shall vote by proxy. Voting.

(2) No individual member or shareholder of a corporation shall have more than one vote. Idem.

(3) A corporate member or shareholder may appoint, under its corporate seal, one of its officers or directors to attend and vote on its behalf at meetings of members or shareholders, and such officer or director shall have only one vote. Voting by corporate members or shareholders.

148. No person shall hold office as a director of a corporation unless he is a member or shareholder thereof or a director or officer of a corporate member or shareholder thereof. Qualification of a director.

149. A corporation may by by-law provide that, before any distribution of surplus arising from the business of the corporation in each fiscal year, the corporation may,— Reserve fund and dividends.

(a) set aside reserve funds;

(b) provide for the payment of dividends on the share capital at a rate not to exceed eight per centum per annum on the amount paid up thereon.

150.—(1) Subject to section 149, the surplus arising from the corporation in each fiscal year, the corporation may,— Distribution of net surplus.

the business of the corporation in each fiscal year shall be allocated, credited or paid to the members or shareholders in proportion to the business done by each member or shareholder with or through the corporation, computed at a rate in relation to the quantity, quality or value of the goods or products acquired, marketed, handled, dealt in or sold, or services rendered by the corporation from or on behalf of or to the member or shareholder, whether as principal or as agent of the member or shareholder or otherwise, with appropriate differences in the rate for different classes, grades or qualities thereof.

Idem.

(2) The corporation may by by-law provide that part of the surplus may be allocated, credited or paid to non-members or non-shareholders at the same or at lesser rates than to members or shareholders.

Patronage return.

(3) The amount which is allocated, credited or paid to members, shareholders, non-members or non-shareholders in each fiscal year shall be known as the patronage return.

Limitation on patronage return.

(4) The corporation may by by-law provide that where the value of the goods or products acquired, marketed, handled, dealt in or sold, or services rendered by the corporation from or on behalf of or to any member, shareholder, non-member or non-shareholder in any year does not exceed \$50, or such lesser amount as may be specified in the by-law, no patronage return shall be allocated, credited or paid to such member, shareholder, non-member or non-shareholder.

Investment of patronage return.

151.—(1) A company may by by-law provide that in each fiscal year the whole, or such part as the directors may determine, of the patronage return of each shareholder shall be applied to the purchase for the shareholder of a stated number of unissued shares of the company or a stated number of issued shares of the company, if obtainable.

Notice.

(2) Where a company has enacted a by-law under subsection 1, and the whole or part of the patronage return of a shareholder is required to be invested in issued shares, the company shall mail a written notice to such shareholder stating the number of shares to be purchased by him.

Purchase of shares on behalf of shareholder required to purchase.

(3) Unless within thirty days from the date of mailing of the notice referred to in subsection 2, the shareholder required to purchase issued shares has presented for transfer to himself the number of shares which he is required to purchase, the company may on behalf of such shareholder,—

- (a) purchase the required number of shares from shareholders who are willing to sell shares;

(b)

- (b) pay out of the patronage return of such shareholder the purchase price;
- (c) transfer such shares to the shareholder; and
- (d) issue and forward to such shareholder a certificate representing such shares.

(4) A corporation may enact by-laws requiring its share-
holders or members to lend to it the whole, or such part as
the directors may determine, of the patronage returns to
which they may become entitled in each fiscal year, upon
such terms and at such rate of interest not exceeding six per
centum per annum as the by-laws may provide. Compulsory
borrowing.

(5) No shareholder shall be required under this section to Proviso.
purchase issued or unissued shares at a price in excess of the
par value thereof, or issued shares when no such shares are
available for purchase.

(6) No member or shareholder shall be required under this Idem.
section to loan his patronage return and no shareholder to
purchase shares of the corporation when the corporation is
insolvent.

(7) This section shall not prevent a member or shareholder Idem.
from receiving so much of his patronage return as has not
been appropriated to loans to the corporation or to the
purchase of shares of the corporation in accordance with such
by-laws.

152.—(1) Subject to subsections 2 and 3, a company may,— Purchase of
shares by
company.

- (a) with the consent of a shareholder, purchase for re-
demption all or part of the shares held by such
shareholder upon payment of such an amount, not
exceeding the par value of the shares, as may be
agreed upon; and
- (b) whenever a corporate shareholder is about to be
dissolved, or a shareholder has failed for a period of
two years to transact any business with the com-
pany, purchase for redemption the shares of such
shareholder, or require the transfer of such shares
to another person, at the book value or par value,
whichever is less.

(2) No company shall,—

- (a) use for the purchase of shares for redemption in
any fiscal year, an amount in excess of fifty per
centum of the accumulated reserve funds;

Prohibition
re purchase
for re-
demption.

- (b) purchase for redemption in any fiscal year more than ten per centum of the shares outstanding at the beginning of the year;
- (c) purchase shares for redemption when the company is insolvent or so as to render the company insolvent, or so as to reduce the number of shareholders to less than ten.

Re-issue prohibited.

(3) A share purchased by a company for redemption shall not be re-issued.

Where certificates of redeemed shares not surrendered.

(4) Where shares are subject to purchase for redemption, and the company gives to the shareholder written notice of purchase in which the shareholder is requested to surrender the share certificates, if any, for cancellation, and the shareholder fails to comply within the time specified, not being less than thirty days after the giving of such notice, the company may pay the purchase price into a chartered bank to the credit of the shareholder and cancel the shares upon its books.

Distribution of assets.

153.—(1) On any distribution of the assets of a corporation without share capital, member loans and patronage returns which are loaned to the corporation shall rank after the ordinary debts.

Distribution of assets upon dissolution.

(2) A corporation may enact by-laws providing that upon the dissolution of the corporation and after the payment of all debts and liabilities, including any declared and unpaid dividends, and the amount paid up on outstanding shares, if any, the remaining assets of the corporation or part thereof may be distributed or disposed of as follows:

- (a) equally among the members or shareholders irrespective of the number of shares held by a shareholder;
- (b) among the members or shareholders at the time of dissolution on the basis of patronage returns accrued to such members or shareholders during the five fiscal years immediately preceding the dissolution or since the date of incorporation; or
- (c) to charitable organizations or to organizations whose objects are beneficial to a community.

By-laws.

154.—(1) A corporation may enact by-laws providing for,—

- (a) the division of its members or shareholders into groups, either territorially or on the basis of common interest;

- (b) the election of directors for each group on the basis of the number of members or shareholders in each group or the volume of business done by each group with the corporation, or both;
- (c) the election of delegates and alternative delegates to represent each group on the basis of the number of members or shareholders in each group or the volume of business done by each group with the corporation, or both;
- (d) where all of the members or shareholders are corporations, the election of delegates and alternative delegates to represent such corporations on the basis of the number of members or shareholders in each corporation or the volume of business done with each corporation, or both;
- (e) the manner and method of electing delegates;
- (f) the holding of meetings of delegates;
- (g) the authority of delegates at meetings or providing that a meeting of delegates shall for all purposes be deemed to be and to have all the powers of a meeting of the members or shareholders;
- (h) the holding of meetings of members, shareholders or delegates territorially or on the basis of common interest;
- (i) the payment of expenses of delegates attending meetings.

(2) A delegate shall have only one vote and shall not vote ^{Voting.} by proxy.

(3) No person shall be elected a delegate who is not either ^{Qualifica-} a member or shareholder of the corporation or a director, ^{tion of} officer, member or shareholder of a corporate member or ^{delegate.} shareholder of the corporation.

(4) No such by-law shall prohibit members or shareholders ^{Proviso.} from attending meetings of delegates.

155.—(1) The by-laws of a corporation passed pursuant to ^{By-laws} the authority of this Part shall not take effect until confirmed ^{to be} confirmed. by a vote of two-thirds of the members or shareholders present or represented at a meeting duly called for considering the same.

By-laws a contract.

(2) The by-laws of the corporation shall bind the corporation and its members or shareholders to the same extent as if the by-laws had respectively been signed and sealed by each member or shareholder and contained covenants on behalf of each member or shareholder, his heirs, executors and administrators to conform thereto subject to the provisions of this Part.

Duties.

156.—(1) Every corporation shall,—

Filing by-laws.

(a) file in the office of the Provincial Secretary within thirty days after confirmation by the members or shareholders, copies of all its by-laws certified under its corporate seal;

Delivering copies of by-laws.

(b) deliver a copy of the by-laws to a member or shareholder when requested in writing so to do;

Transmit statements to Provincial Secretary.

(c) transmit forthwith after each annual meeting to the office of the Provincial Secretary a copy of the balance sheet, statement of income and expenditure and report of the auditor presented thereat;

Delivering statements to members.

(d) deliver to every member or shareholder on demand in writing a copy of the said balance sheet, statement of income and expenditure and report of the auditor.

Penalty.

(2) If a corporation fails to comply with subsection 1, it shall be liable on summary conviction to a penalty of not more than \$100, and every director and officer of the corporation who authorizes or permits such failure shall on summary conviction be liable to a like penalty.

Educational and advisory work.

157. A corporation shall have power to carry on, encourage and assist educational and advisory work relating to co-operatives and the co-operative ideal.

Powers of Lieutenant-Governor in Council.

158. The Lieutenant-Governor in Council may,—

(a) relieve any corporation incorporated prior to the 1st day of June, 1949, from compliance with any of the provisions of this Part; and

(b) declare that a corporation shall no longer be subject to this Part, and change such corporation's name, if it appears to the Lieutenant-Governor in Council that fifty per centum or more in value of the business of the corporation during its last fiscal year was transacted with persons or corporations who were neither members nor shareholders of the corporation.

2.—(1) Section 300 of *The Companies Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 251, s. 300,
amended.

(2a) A joint stock insurance company or a cash-mutual insurance corporation may make investments or loans not hereinbefore authorized by this section, including investments in real estate or leaseholds, subject to the following provisions: Investments
and loans.

(a) Investments in real estate or leaseholds pursuant to this subsection shall be made only for the production of income, and may be made by the company in Ontario or elsewhere where the company is carrying on business, alone or jointly with any other company, and the company may hold, maintain, improve, develop, repair, lease, sell or otherwise deal with or dispose of such real estate or leaseholds, but the total investment of a company pursuant to this subsection in any one parcel of real estate or in any one leasehold shall not exceed one-half of one per centum of the book value of the total assets of the company.

(b) This subsection shall be deemed not to enlarge the authority conferred by subsection 1 to invest in mortgages or hypothecs and to lend on the security of real estate or leaseholds.

(c) The total book value of the investments and loans made under this subsection and held by the company, excluding those that are or at any time since acquisition have been eligible apart from this subsection, shall not exceed three per centum of the book value of the total assets of the company.

(2) Subsection 10 of the said section 300 is amended by inserting after the word "companies" in the second line the words "fraternal societies", so that the subsection shall read as follows: Rev. Stat.,
c. 251, s. 300,
subs. 10,
amended.

(10) "Insurer" in subsection 1 shall be deemed to mean and include only joint stock insurance companies, fraternal societies and cash-mutual insurance corporations; all other insurers may invest their funds in any securities in which, under *The Trustee Act*, trustees may invest trust funds. Meaning of
"insurer".
Rev. Stat.,
c. 165.

Rev. Stat.,
c. 251,
s. 300a
(1945,
2nd Sess.,
c. 2, s. 2),
re-enacted.

Investment
of funds
in housing
projects.

1944-45,
c. 46
(Can.).

3. Section 300a of *The Companies Act*, as enacted by section 2 of *The Companies Amendment Act, 1945*, is repealed and the following substituted therefor:

300a. An insurer incorporated under the law of Ontario for the purpose of undertaking life insurance may, in addition to investments it may make by lending on the security of or by purchasing mortgages, charges or hypothecs upon real estate pursuant to the provisions of *The National Housing Act, 1944* (Canada), or any amendments thereto, invest its funds to an aggregate amount not exceeding five per centum of its total assets in Canada allowed by the Superintendent of Insurance in any other classes or types of investments pursuant to the said Act, or any amendments thereto, including the purchase of land, the improvement thereof, the construction of buildings thereon, and the management and disposal of such lands and buildings.

Commence-
ment of Act.

4. This Act, except sections 2 and 3, shall come into force on the 1st day of June, 1949.

Short title.

5. This Act may be cited as *The Companies Amendment Act, 1949*.

CHAPTER 15.

An Act to amend The Conservation Authorities
Act, 1946.

*Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Conservation Authorities Act, 1946* is amended by ^{1946, c. 11, amended.} adding thereto the following sections:

5a.—(1) Where,—

Meeting for
enlargement
of authority.

(a) an authority has been established for one or more watersheds; and

(b) the councils of any two or more municipalities situate either wholly or partly within a watershed adjoining the watershed or watersheds for which the authority has been established, by resolution request the Minister of Public Works to call a meeting to consider the enlargement of the area over which the authority has jurisdiction to include such adjoining watershed,

the Minister shall fix a time and place for such meeting and shall forthwith notify the secretary-treasurer of the authority and the council of every municipality either wholly or partly within the adjoining watershed.

(2) With respect to each municipality so notified, sub-^{Representa-}section 2 of section 3 shall apply. _{tives from adjoining watershed.}

(3) At any meeting called under this section, a quorum ^{Quorum.} shall consist of the number of members of the existing authority required to constitute a quorum of the authority and two-thirds of the representatives which the municipalities notified are entitled to appoint, but where not less than two members of the authority and three municipal representatives are

present at a meeting or an adjourned meeting they may adjourn the meeting or adjourned meeting from time to time.

Enlargement
of authority.

- (4) Upon receipt by the Minister of Public Works of a joint resolution passed at a meeting or adjourned meeting held under subsection 3 and at which a quorum was present, by not less than two-thirds of the members of the authority and not less than two-thirds of the municipal representatives thereat, requesting the enlargement of the area over which the authority has jurisdiction to include the adjoining watershed, the Lieutenant-Governor in Council may enlarge the area accordingly and may designate the additional municipalities which shall be participating municipalities and the area over which the enlarged authority shall have jurisdiction.

Enlargement
of authority
having juris-
diction in
part of a
watershed.

5b. Where,—

- (a) an authority has been established and has under its jurisdiction part of a watershed; and
- (b) the councils of two or more municipalities situate either wholly or partly within any defined part of the watershed not under the jurisdiction of the authority, by resolution request the Minister of Public Works to call a meeting to consider the enlargement of the area over which the authority has jurisdiction to include such defined part,

the Minister shall fix a time and place for such meeting and shall forthwith notify the secretary-treasurer of the authority and the council of every municipality either wholly or partly within such defined part, and the provisions of subsections 2, 3 and 4 of section 5a shall apply *mutatis mutandis*.

1946,
c. 11, s. 24
(1947,
c. 101, s. 6),
repealed.

2. Section 24 of *The Conservation Authorities Act, 1946*, as re-enacted by section 6 of *The Statute Law Amendment Act, 1947*, is repealed.

Commence-
ment of Act.

3. This Act shall come into force on the day it receives the Royal Assent.

Short title.

4. This Act may be cited as *The Conservation Authorities Amendment Act, 1949*.

CHAPTER 16.

An Act to amend The Continuation Schools Act.

Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of section 1 of *The Continuation Schools Act* Rev. Stat., c. 359, s. 1, cl. *a*, re-enacted. is repealed and the following substituted therefor:

- (a) "Continuation school district" shall mean the property liable to assessment and taxation for the purposes of the continuation school. "Continuation school district".

2.—(1) Subsection 5 of section 3 of *The Continuation Schools Act*, as re-enacted by section 3 of *The Continuation Schools Amendment Act, 1947*, is amended by adding at the end thereof the words "at the first regular meeting in each year", so that the subsection shall read as follows: Rev. Stat., c. 359, s. 3, subs. 5 (1947, amended).

- (5) A continuation school established under subsection 4 shall be under the control and management of a board composed of not more than two-thirds of the members of each of the boards by which it is established who shall be appointed by such boards respectively at the first regular meeting in each year. Management of continuation school under board.

(2) Subsection 6 of the said section 3 is amended by striking out the article "the" where it occurs the first time in the third line and by striking out the words "*naming the municipality or school section or sections*" in the third and fourth lines and inserting in lieu thereof the words "*inserting a name selected by the board and approved by the Minister*", so that the subsection shall read as follows: Rev. Stat., c. 359, s. 3, subs. 6 (1947, amended).

- (6) The board shall be a body corporate and shall be styled "The Board of Trustees of the Continuation School of _____" (inserting a name selected by the board and approved by the Minister). Board to be body corporate.

Rev. Stat.,
c. 359, s. 5,
subs. 1, cl. a,
re-enacted.

3.—(1) Clause *a* of subsection 1 of section 5 of *The Continuation Schools Act* is repealed and the following substituted therefor:

- (a) a resident pupil of the continuation school district by the board of which the school is established or maintained.

Rev. Stat.,
c. 359, s. 5,
subs. 1a
(1938, c. 35,
s. 4, subs. 2),
re-enacted.

(2) Subsection 1a of the said section 5, as enacted by subsection 2 of section 4 of *The School Law Amendment Act, 1938* and amended by section 2 of *The School Law Amendment Act, 1941* and subsection 1 of section 3 of *The Continuation Schools Amendment Act, 1948*, is repealed and the following substituted therefor:

Fees payable
by boards
in certain
cases.

(1a) Where,—

- (a) a resident pupil of a continuation school district in a county attends a continuation or high school in his own county but outside of his school district or a continuation or high school which has been declared open to such pupils in an adjoining county or in a city or separated town in his own or an adjoining county; or
- (b) a resident pupil of a continuation school district in a territorial district attends a continuation or high school in Ontario but outside of his school district,

because the continuation or high school is more accessible to the pupil than any continuation school in his own school district or provides a course of study not offered in his own school district, the board of the continuation school district of which he is a resident pupil shall pay fees to the board of the continuation or high school district whose school he attends, calculated in accordance with section 36 of *The High Schools Act*, except that legislative grants shall not be deducted as provided in clause *c* of subsection 1 thereof.

“Course of
study”
defined.

- (1aa) In subsection 1a, “course of study” means subjects which are sufficient for the granting of any type of secondary school graduation diploma provided for in the regulations.

Commence-
ment of Act.

4.—(1) This Act, except section 3, shall come into force on the day it receives the Royal Assent.

(2) Section 3 shall be deemed to have come into force on ^{Idem.} the 1st day of January, 1949.

5. This Act may be cited as *The Continuation Schools* ^{Short title.} *Amendment Act, 1949.*

CHAPTER 17.

An Act to amend The Coroners Act, 1948.

*Assented to March 9th, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Schedule C to *The Coroners Act, 1948* is amended by adding thereto the following item: 1948, c. 17,
Sched. C,
amended.
4. The amount of any fee under this Schedule may be increased by 15 cents for every mile necessarily travelled in connection with an examination or analysis.
2. This Act may be cited as *The Coroners Amendment Act*, Short title. 1949.

CHAPTER 18.

An Act to amend The Corporations Tax Act, 1939.

Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause g of section 1 of *The Corporations Tax Act, 1939* is repealed and the following substituted therefor: 1939, c. 10,
s. 1, cl. g,
re-enacted.

(g) "Head office" shall mean the place designated in the charter or by-laws, or both, of a company as being its chief office or place of business and shall include, when such chief office or place of business is outside of Ontario, the place designated by such company or the Treasurer as being its principal office or place of business in Ontario, unless the central accounting records including the central executive management of the company are maintained outside of Ontario or unless the Treasurer determines that such principal office or place of business is not the head office of the company. "Head
office".

(2) The said section 1 is further amended by adding thereto the following clause: 1939, c. 10,
s. 1,
amended.

(jj) "Loss" shall mean a loss for a fiscal year computed by applying section 14 respecting the computation of the net income of an incorporated company, *mutatis mutandis*, but not including in the computation the exemptions provided by clauses e, f and i of subsection 4 of section 14. "Loss".

2. Section 2 of *The Corporations Tax Act, 1939* is amended by adding thereto the following subsections: 1939, c. 10,
s. 2,
amended.

(4) For the purposes of this Act, every company, the head office of which is designated in its charter or by-laws, or both, as being outside of Ontario, shall designate a place which shall be its principal office Designation
of principal
office in
Ontario.

or place of business in Ontario and, where no such place is designated by the company, the Treasurer shall designate such place.

Arms-length.

(5) For the purposes of this Act,—

(a) a company and a person or one of several persons by whom it is directly or indirectly controlled; or

(b) two or more companies controlled directly or indirectly by the same person,

shall, without extending the meaning of the expression “to deal with each other at arms-length”, be deemed not to deal with each other at arms-length.

1939, c. 10,
s. 10, subs. 5,
cls. c, d,
re-enacted.

3. Clauses *c* and *d* of subsection 5 of section 10 of *The Corporations Tax Act, 1939* are repealed and the following substituted therefor:

Real estate
and mining
companies.

(c) In the case of an incorporated company the business of which is the holding of real estate for sale or rent, or which merely holds assets, or which owns and operates international or interprovincial bridges or tunnels or both, or the operations of which, in the opinion of the Treasurer, tend to deplete the natural resources of Canada, the amount of the paid-up capital which shall be deemed to have been used in each such province, state or country shall be that portion of the total paid-up capital remaining after the deduction of the exemptions provided by clauses *a, b, c, d, f* and *g* of subsection 4, which the book value of the fixed assets and the goods and supplies as shown by the inventories, situated in each such province, state or country bears to the book value of the total fixed assets and the goods and supplies as shown by the inventories;

Grain
companies.

(d) In the case of an incorporated company, the chief business of which is the operation of grain elevators, the amount of the paid-up capital which shall be deemed to have been used in each such province, state or country shall be that portion of the total paid-up capital remaining after the deduction of the exemptions provided by clauses *a, b, c* and *g* of subsection 4, which the number of bushels of grain received during the fiscal year in the elevators operated by the incorporated company in each such province, state or country bears to the number of

bushels of grain received during the fiscal year in all the elevators operated by the incorporated company;

- (e) In the case of every other incorporated company,^{Other companies.} the amount of the paid-up capital which shall be deemed to have been used in each such province, state or country shall be that portion of the total paid-up capital remaining after the deduction of the exemptions provided by clauses *a*, *b*, *c* and *g* of subsection 4, which the gross sales made to or the gross revenue received from customers residing in each such province, state or country, bear to the total gross sales made or gross revenue received, provided that gross revenue from investments in the shares, bonds and obligations of other incorporated companies and of governments and municipal and school corporations shall be excluded from the calculation; and for the purposes of this clause the residence of a customer of an incorporated company shall be deemed to be, with respect to sales made to or gross revenue received from customers residing in Canada, in the province,

- (i) in which the goods sold by the incorporated company are received by the customer,
- (ii) in which the services sold by the incorporated company are performed for the customer, or
- (iii) in which the customer uses any property, invention, trade name or other thing from which the incorporated company derives its remaining gross revenue represented by rents, royalties or similar payments,

and with respect to sales made to or gross revenue received from customers residing outside of Canada, in the province,

- (iv) from which the order for the goods sold is filled by the incorporated company,
- (v) in which, by contract, the incorporated company receives payment for services performed outside of Canada, or
- (vi) in which, by contract, the incorporated company receives payment of its remaining gross revenue represented by rents, royalties or similar payments for the use outside of Canada of any property, invention, trade name or other thing,

unless such incorporated company is subject to taxation on paid-up capital in the state or country outside of Canada where the customer actually resides, in which case the residence of the customer shall be deemed to be in such state or country.

1939, c. 10,
s. 14, subs. 3,
amended.

4.—(1) Subsection 3 of section 14 of *The Corporations Tax Act, 1939*, as amended by subsections 1 and 2 of section 5 of *The Corporations Tax Amendment Act, 1941*, is further amended by adding thereto the following clause:

Investment
companies.

(k) Any incorporated company,

- (i) the property of which, throughout the fiscal year, consists, to the extent of eighty per centum or more, of shares, bonds, marketable securities or cash,
- (ii) the gross income of which, throughout the fiscal year, is, to the extent of not less than ninety-five per centum, derived from investments mentioned in subclause i,
- (iii) the property of which, throughout the fiscal year, consists, to the extent of not more than ten per centum thereof, of shares, bonds or securities of any one company or debtor other than His Majesty in right of Canada, or of any province or of a Canadian municipality,
- (iv) the shares of which are, throughout the fiscal year, held by persons numbering fifty or more of whom none holds more than twenty-five per centum of the whole capital stock thereof, and
- (v) the net income of which for the fiscal year is distributed to the shareholders within one hundred and twenty days after the close of the fiscal year to the extent of eighty-five per centum thereof or more; provided that the term "net income" as used in this subclause means the income that would be taxable under this section but for this clause, plus income that would be exempt from tax under this section, minus taxes paid to other governments and minus dividends and interest received in the form of shares, bonds or other securities that have not been sold before the end of the fiscal year.

(2) Clause *f* of subsection 4 of the said section 14, as re-enacted by subsection 3 of section 3 of *The Corporations Tax Amendment Act, 1947*, is repealed and the following substituted therefor:

1939, c. 10,
s. 14, subs. 4,
cl. *f* (1947,
c. 19, s. 3,
subs. 3),
re-enacted.

- (f) The amount of business losses sustained by an incorporated company, the head office of which is in Ontario, from the date of its incorporation to the commencement of the first fiscal year during which it earns a net income, which for the purposes of this clause means the amount that results from applying section 14 respecting the computation of the net income of an incorporated company, *mutatis mutandis*, but not including in the computation the exemptions provided by clauses *e*, *f* and *i* of subsection 4 of section 14, provided that,
- Business
losses of new
companies.
- (i) no amount is deductible in respect of the losses of an incorporated company sustained as a result of transactions between the incorporated company and persons with whom it was not dealing at arms-length,
 - (ii) the amount of such business losses is deductible only to the extent that it exceeds the aggregate of the amounts previously deductible in respect of those losses under this section,
 - (iii) no amount is deductible in respect of the loss of any fiscal year until the deductible losses of previous fiscal years have been deducted,
 - (iv) no amount is deductible in respect of losses from the net income of any fiscal year except to the extent of the lesser of,
 - (A) the net income of the incorporated company for the fiscal year from the business in which the loss was sustained, or
 - (B) the net income of the incorporated company for the fiscal year, and
 - (v) no amount is deductible in respect of losses sustained by an incorporated company during a fiscal year that ended in the calendar year 1948 or during any previous fiscal year.

1939, c. 10,
s. 14, subs. 4,
cl. *m* (1948,
c. 18, s. 3,
subs. 1),
re-enacted.

(3) Clause *m* of subsection 4 of the said section 14, as enacted by subsection 1 of section 3 of *The Corporations Tax Amendment Act, 1948*, is repealed and the following substituted therefor:

Develop-
ment of
mines.

- (*m*) An amount equal to the aggregate of the development expenses, or such lesser amount as the Treasurer in his absolute discretion may allow, incurred by an incorporated company after the commencement of its fiscal year ending in the calendar year 1949 with respect to the development in Canada of a mine as defined in *The Mining Tax Act* by such incorporated company, the principal business of which is the mining of or searching for minerals, provided that no such deduction shall be allowed until such mine is abandoned or becomes productive, and

Rev. Stat.,
c. 28.

- (i) where the mine is abandoned the amount so expended, or such lesser amount as the Treasurer in his absolute discretion may allow, shall be deducted during the fiscal year of the company during which such mine is abandoned, and

- (ii) where the mine becomes productive the amount so expended, or such lesser amount as the Treasurer in his absolute discretion may allow, shall be deducted during the fiscal year of the company during which the mine becomes productive and subsequent fiscal years only as and to the extent that the company charges portions of such amount in its accounts as amortization of such mine.

1939, c. 10,
s. 14, subs. 5,
amended.

(4) Subsection 5 of the said section 14 is amended by striking out the word "or" at the end of clause *h* and by adding thereto the following clauses:

Artificial
transactions.

- (*j*) the amount of any outlay or expense made or incurred in respect of a transaction or operation that, if allowed, would unduly or artificially reduce the income; or

Limitation
regarding
exempt
income.

- (*k*) the amount of any outlay or expense to the extent that it may reasonably be regarded as having been made or incurred for the purpose of gaining or producing income which is exempt from tax under this section or in connection with property the income from which would be exempt under this section.

(5) The said section 14 is further amended by adding thereto the following subsections: 1939, c. 10, s. 14, amended.

(6a) Where an incorporated company purchases anything from a person with whom it is not dealing at arms-length at a price in excess of the fair market value, the fair market value thereof shall, for the purpose of computing the income of the incorporated company, be deemed to have been paid or to be payable therefor. Inadequate considerations.

(6b) Where an incorporated company sells anything to a person with whom it is not dealing at arms-length at a price less than the fair market value, the fair market value thereof shall, for the purpose of computing the income of the incorporated company, be deemed to have been received or to be receivable therefor. Idem.

(6c) Where an incorporated company pays or agrees to pay to a person with whom it is not dealing at arms-length as price, rental, royalty or other payment for use or reproduction of any property an amount computed at a rate higher than that at which similar payments by other persons in the same kind of business are computed, an amount computed at the rate at which similar payments are made by such other persons shall, for the purpose of computing the income of the incorporated company, be deemed to have been the amount that is paid or is payable therefor. Idem.

(6d) Where an incorporated company directly or indirectly distributes to its shareholders any of its property, either on winding-up, or otherwise, for no consideration or for a consideration below the fair market value, if the sale thereof at the fair market value would have increased the income of the incorporated company for the fiscal year, it shall be deemed, for the purpose of determining the income of the incorporated company, to have sold the property during the fiscal year and to have received therefor the fair market value thereof. Idem.

(6) Clauses *c*, *d* and *e* of subsection 7 of the said section 14 are repealed and the following substituted therefor: 1939, c. 10, s. 14, subs. 7, cls. *c*, *d*, *e*, re-enacted.

(c) In the case of an incorporated company the business of which is the holding of real estate for sale or rent, or which merely holds assets, or which owns and operates international or interprovincial bridges Real estate and mining companies.

or tunnels or both, or the operations of which, in the opinion of the Treasurer, tend to deplete the natural resources of Canada, the amount of the net income which shall be deemed to have been derived from sources within each such province, state or country shall be that portion of the total net income, exclusive of gross income from investments in the shares, bonds and obligations of other incorporated companies and of governments, municipal and school corporations which the book value of the fixed assets and the goods and supplies as shown by the inventories situated in each such province, state or country bears to the book value of the total fixed assets and the goods and supplies as shown by the inventories; provided that in the case of any such incorporated company, where the Treasurer is satisfied that the net income of such company earned in Ontario and earned in each such province, state or country outside of Ontario respectively is capable of accurate determination, the actual amounts thereof shall be determined in lieu of the aforesaid calculated amount;

Grain
companies.

- (d) In the case of an incorporated company, the chief business of which is the operation of grain elevators, the amount of the net income which shall be deemed to have been derived from sources within each such province, state or country, shall be that portion of the total net income, exclusive of gross income from investments in the shares, bonds and obligations of other incorporated companies and of governments, municipal and school corporations, which the number of bushels of grain received during the fiscal year in the elevators operated by the incorporated company in each such province, state or country bears to the number of bushels of grain received during the fiscal year in all the elevators operated by the incorporated company; provided that in the case of any such incorporated company, where the Treasurer is satisfied that the net income of such company earned in Ontario and earned in each such province, state or country outside of Ontario respectively is capable of accurate determination, the actual amounts thereof shall be determined in lieu of the aforesaid calculated amount;

Other
companies.

- (e) In the case of every other incorporated company the amount of the net income which shall be deemed to have been derived from sources within each such province, state or country shall be that portion of the total net income, exclusive of gross income from

investments in the shares, bonds and obligations of other incorporated companies and of governments, municipal and school corporations, which the gross sales made to or the gross revenue received from customers residing in each such province, state or country, exclusive of gross income from investments in the shares, bonds and obligations of other incorporated companies and of governments and municipal and school corporations, bear to the total gross sales made or gross revenue received, exclusive of gross income from investments in the shares, bonds and obligations of other incorporated companies and of governments and municipal and school corporations; provided that in the case of any such incorporated company, where the Treasurer is satisfied that the net income of such company earned in Ontario and earned in each such province, state or country outside of Ontario respectively is capable of accurate determination, the actual amounts thereof shall be determined in lieu of the aforesaid calculated amount; and for the purpose of this clause the residence of a customer of an incorporated company shall be deemed to be, with respect to sales made to or gross revenue received from customers residing in Canada, in the province,

- (i) in which the goods sold by the incorporated company are received by the customer,
- (ii) in which the services sold by the incorporated company are performed for the customer, or
- (iii) in which the customer uses any property, invention, trade name or other thing from which the incorporated company derives its remaining gross revenue represented by rents, royalties or similar payments,

and with respect to sales made to or gross revenue received from customers residing outside of Canada, in the province,

- (iv) from which the order for the goods sold is filled by the incorporated company,
- (v) in which, by contract, the incorporated company receives payment for services performed outside of Canada, or
- (vi) in which, by contract, the incorporated company receives payment of its remaining gross

revenue represented by rents, royalties or similar payments for the use outside of Canada of any property, invention, trade name or other thing,

unless such incorporated company is subject to taxation on net income in the state or country outside of Canada where the customer actually resides, in which case the residence of the customer shall be deemed to be in such state or country;

Income from
foreign
investments.

- (f) In the case of any incorporated company having its head office in Ontario, any part of the net income of which consists of dividends and interest from investments in the shares, bonds and obligations of other incorporated companies and of governments, municipal and school corporations the cost of which forms the basis for the deduction for investments allowed under clause c of subsection 4 of section 10, the amount of the net income derived from such sources which shall be deemed to have been earned in any such province, state or country shall be the amount of such dividends and interest paid by incorporated companies with head offices in such province, state or country or by the government of such province, state or country or by a municipal or school corporation situated therein.

Commence-
ment of Act.

5. This Act shall come into force on the day it receives the Royal Assent and shall be effective for fiscal years of companies ending in the calendar year 1949 and subsequent fiscal years.

Short title.

6. This Act may be cited as *The Corporations Tax Amendment Act, 1949*.

CHAPTER 19.

An Act to amend The County Courts Act.

*Assented to March 9th, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 19 of *The County Courts Act* is repealed and the following substituted therefor: Rev. Stat., c. 103, s. 19, subs. 1, re-enacted.

(1) The county and district courts shall have jurisdiction Jurisdiction. in,—

- (a) actions arising out of contract, expressed or Contract. implied, where the sum claimed does not exceed \$1,200;
- (b) personal actions, except actions for criminal Tort. conversation and actions for libel, where the sum claimed does not exceed \$1,000;
- (c) actions for trespass or injury to land where Injury to land. the sum claimed does not exceed \$1,000, unless the title to the land is in question, and in that case also where the value of the land does not exceed \$1,000, and the sum claimed does not exceed that amount;
- (d) actions for the obstruction of or interference Easements. with a right of way or other easement where the sum claimed does not exceed \$1,000, unless the title to the right or easement is in question, and in that case also where the value of the land over which the right or easement is claimed does not exceed that amount;
- (e) actions for the recovery of property, real or Recovery of property. personal, including actions of replevin and actions of detinue where the value of the property does not exceed \$1,000;

Mortgages.

- (f) actions for the enforcement by foreclosure or sale or for the redemption of mortgages, charges or liens, with or without a claim for delivery of possession or payment or both, where the sum claimed to be due does not exceed \$1,000;

Partnership.

- (g) partnership actions where the joint stock or capital of the partnership does not exceed in amount or value \$4,000;

Legacies.

- (h) actions by legatees under a will for the recovery or delivery of money or property bequeathed to them where the legacy does not exceed in value or amount \$1,000, and the estate of the testator does not exceed in value \$4,000;

Equitable relief.

- (i) in all other actions for equitable relief where the subject matter involved does not exceed in value or amount \$1,000; and

Insolvency.

- (j) actions and contestations for the determination of the right of creditors to rank upon insolvent estates where the claim of the creditor does not exceed \$1,000.

Rev. Stat.,
c. 103, s. 19,
subs. 2,
amended.

- (2) Subsection 2 of the said section 19 is amended by striking out the symbol and figures "\$2,000" where they occur in the eighth and ninth lines respectively and inserting in lieu thereof the symbol and figures "\$4,000", so that the subsection shall read as follows:

Dispute of
jurisdiction
by de-
fendant.

- (2) Where a defendant intends to dispute the jurisdiction of the court on the ground that the action, though otherwise within the proper competence of the court, is not within it because of the amount claimed or of the value of the property in question or of the amount or value of the subject matter involved or, in the cases mentioned in clauses *g* and *h* of subsection 1, because the joint stock or capital of the partnership exceeds in amount or value \$4,000, or the estate of the testator exceeds in value \$4,000, he shall in his appearance or in his statement of defence state that he disputes the jurisdiction of the court and the ground upon which he relies for disputing it, and, in default or his so doing, unless otherwise ordered by the court or a judge, the question of jurisdiction shall not afterwards be raised or the jurisdiction be brought in question, and in any such action tried or disposed of in a county or district court such court shall have the right to award

Awarding
costs on
Supreme
Court scale.

all costs of or incidental to such action on the scale of the Supreme Court in the same manner as if such action had been tried or disposed of in the Supreme Court.

2. Section 3 of *The County Courts Amendment Act, 1937* is repealed. 1937, c. 14, s. 3, repealed.

3. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commencement of Act.

4. This Act may be cited as *The County Courts Amendment Act, 1949*. Short title.

CHAPTER 20.

An Act to amend The Credit Unions Act, 1940.

Assented to March 9th, 1949.
Session Prorogued April 8th, 1949.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Credit Unions Act, 1940* ^{1940, c. 7, s. 1, cl. b, re-enacted.} is repealed and the following substituted therefor:

(b) "by-laws" shall mean by-laws approved under this "by-laws". Act and shall include any amendment of a by-law approved under this Act.

2. Section 30 of *The Credit Unions Act, 1940*, as amended ^{1940, c. 7, s. 30, amended.} by section 4 of *The Credit Unions Amendment Act, 1944*, is further amended by adding thereto the following subsection:

(4) The committee shall not approve any loan that is ^{Maximum loans not to be exceeded.} greater in amount than the maximum amount that may be loaned to a member as set out in the by-laws of the credit union.

3.—(1) Subsection 4 of section 31 of *The Credit Unions Act, 1940* ^{1940, c. 7, s. 31, subs. 4, amended.} is amended by inserting after the word "officer" where it occurs in the sixth and ninth lines respectively the words "or employee engaged by the board of directors". so that the subsection shall read as follows:

(4) In the event of any of the funds, securities or other ^{Misappropriation of funds.} property of the credit union being misappropriated or otherwise misdirected from their proper use, or in the event of any of the by-laws of the credit union being contravened by the board of directors or credit committee, or any member thereof, or by any officer or employee engaged by the board of directors, the committee shall forthwith call a general meeting of the credit union, and pending the holding of such meeting the committee may suspend any member of the board of directors or credit committee or any

officer or employee engaged by the board of directors, and may appoint a member of the credit union to perform the duties of any person so suspended, until such meeting of the credit union.

1940,
c. 7, s. 31,
subs. 5,
re-enacted.

(2) Subsection 5 of the said section 31 is repealed and the following substituted therefor:

General
meeting.

(5) The committee shall report to the meeting all circumstances relating to any misappropriation of funds, securities or other property or any improper diversion thereof and the reasons for any suspension, and the members of the credit union may by a vote of two-thirds of the members present at the meeting or at any adjournment thereof, dismiss from office any person so suspended and when the members of the credit union do not so vote to dismiss from office any person so suspended, such person shall be re-instated forthwith.

1940,
c. 7, s. 33,
amended.

4. Section 33 of *The Credit Unions Act, 1940* is amended by adding after the word "officer" in the first line the words "or employee engaged by the board of directors", so that the section shall read as follows:

Bonds.

33. Every officer or employee engaged by the board of directors of a credit union who receives or has charge of money, shall, before assuming the duties of his office, furnish a bond for the due accounting of moneys received by him and the faithful performance of his duties, with such sureties and in such form and amount as the board of directors may determine.

1940,
c. 7, s. 34,
subs. 1,
re-enacted.

5. Subsection 1 of section 34 of *The Credit Unions Act, 1940* is repealed and the following substituted therefor:

Investment
of funds.

(1) The funds of a credit union that are not required for the purposes of section 5 or for the guarantee fund shall be invested,—

Rev. Stat.,
c. 251.

(a) in any investment that is authorized by *The Companies Act* for the investment of the funds of a joint stock insurance company; or

(b) in any investment other than those set out in section 5 where such investment is approved by a resolution passed by a two-thirds majority of those present at a meeting of the members called for the purpose, but in no case shall a resolution under this clause affect

more than ten per centum of the share capital and deposits of the credit union and in no case shall the aggregate of all investments of the credit union under this clause exceed twenty-five per centum of its share capital and deposits.

- (1a) Any investment heretofore made by a credit union that does not comply with this section may be retained by the credit union but shall be disposed of at the first opportunity and in no event shall be renewed. Existing investments.

6. Section 46 of *The Credit Unions Act, 1940* is repealed and the following substituted therefor: 1940, c. 7, s. 46, re-enacted.

46. A credit union shall, on or before the 1st day of March in each year deliver to the inspector, in duplicate, in the form prescribed by the inspector, an audited statement of its receipts and expenditures, assets and liabilities, and such statement shall also contain such other information as the inspector may require. Annual statements.

7. Subsection 5 of section 48 of *The Credit Unions Act, 1940*, as re-enacted by section 3 of *The Credit Unions Amendment Act, 1942*, is repealed and the following substituted therefor: 1940, c. 7, s. 48, subs. 5 (1942, c. 7, s. 3), re-enacted.

- (5) Any league incorporated under this section may pass such by-laws as it deems advisable, but no by-law shall become operative until approved by the Registrar. By-laws of league.

8. Clauses *a* and *c* of section 55 of *The Credit Unions Act, 1940* are repealed. 1940, c. 7, s. 55, cls. a, c, repealed.

9. This Act may be cited as *The Credit Unions Amendment Act, 1949*. Short title.

CHAPTER 21.

The Crown Attorneys Act, 1949.

*Assented to March 9th, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Lieutenant-Governor in Council may appoint a ^{Appointment.} Crown attorney for each county and for each provisional judicial district. R.S.O. 1937, c. 137, s. 1, *amended*.
2. The Lieutenant-Governor in Council may appoint one ^{Assistant Crown attorneys.} or more assistant Crown attorneys for any county or provisional judicial district who shall act under the direction of the Crown attorney and when so acting shall have the like powers and perform the like duties as the Crown attorney. *New*.
3. No person shall be appointed a Crown attorney or ^{Qualification.} assistant Crown attorney or act in either of such capacities who is not a member of the Bar of Ontario. R.S.O. 1937, c. 137, s. 2, *amended*.
- 4.—(1) Where the Crown attorney is unavoidably absent ^{Pro tem appointment.} or ill and there is no assistant Crown attorney, a judge of the county or district court for the county or district may appoint a member of the Bar of Ontario to act for the Crown attorney during his absence or illness.
- (2) Notice of the appointment containing a statement ^{Notice.} as to the cause thereof shall be sent by the judge to the Attorney General forthwith after making the appointment.
- (3) The Lieutenant-Governor in Council may annul any ^{Power to annul.} such appointment at any time. R.S.O. 1937, c. 137, s. 9, *amended*.
- 5.—(1) Except in the County of York every Crown attorney ^{Clerk of the peace.} shall be *ex officio* clerk of the peace for the county or district for which he is Crown attorney. R.S.O. 1937, c. 104, s. 10 (3), *amended*.

- (2) In the County of York the offices of Crown attorney ^{York County.}

and clerk of the peace may be held by different persons. R.S.O. 1937, c. 104, s. 10 (5).

Court
duties.

(3) Where the offices of Crown attorney and clerk of the peace are held by the same person, the duties that the clerk of the peace is required to perform in the court room during the sittings of the court of general sessions of the peace and of the county or district court judges' criminal court shall be performed by the clerk of the county or district court. 1941, c. 21, s. 1, *amended*.

Remunera-
tion.

6.—(1) Unless it is otherwise provided by the Lieutenant-Governor in Council every Crown attorney shall be entitled to the fees of his office, including the fees received from his office as clerk of the peace. *New*.

Commuta-
tion of fees.

(2) The Lieutenant-Governor in Council may commute the fees payable to a Crown attorney, including the fees receivable from his office as clerk of the peace, for a fixed annual sum, and may from time to time fix an annual allowance to cover the expenses of his office. R.S.O. 1937, c. 137, s. 12 (1, 3).

Assistants.

(3) Every assistant Crown attorney shall be entitled to such per diem allowance or such salary as may be fixed by the Lieutenant-Governor in Council.

Pro tem
Crown
attorneys.

(4) Every Crown attorney appointed *pro tem* by a judge of a county or district court shall be entitled to the fees of his office, including the fees receivable from his office as clerk of the peace. *New*.

Security.

7. Every Crown attorney shall give security for the due performance of the duties of his office and for the due payment of all moneys received by him by virtue thereof, in such sum, and with so many sureties, and in such manner and form as the Lieutenant-Governor in Council directs. R.S.O. 1937, c. 137, s. 3.

Oath of
office.

8. Every Crown attorney and every assistant Crown attorney, before he enters upon his duties, shall take and prescribe before a judge of the county or district court of the county or district for which he is appointed the following oath:

I swear that I will truly and faithfully, according to the best of my skill and ability, execute the duties, powers and trusts of Crown attorney (*or* assistant Crown attorney) for the County (*or* District) of.....without favour or affection to any party: So help me God.

R.S.O. 1937, c. 137, s. 4, *amended*.

Prohibition
against
acting for
persons
charged
with
offences.

9. No Crown attorney or assistant Crown attorney shall, by himself or through any partner in the practice of law,

act or be directly or indirectly concerned as counsel or solicitor for any person in respect of any offence charged against such person under the laws in force in Ontario. R.S.O. 1937, c. 137, s. 5, *amended*.

10. The Crown attorney shall aid in the local administration of justice and perform the duties that are assigned to Crown attorneys under the laws in force in Ontario, and without restricting the generality of the foregoing, every Crown attorney shall,— Duties,—

(a) examine informations, examinations, depositions, recognizances, inquisitions and papers connected with offences against the laws in force in Ontario which the magistrates, justices of the peace and coroners are required to transmit to him, and, where necessary, cause such charges to be further investigated, and additional evidence to be collected, and sue out process to compel the attendance of witnesses and the production of papers, so that prosecutions may not be delayed unnecessarily or fail through want of proof; to examine informations, etc.;

(b) conduct, on the part of the Crown, preliminary hearings of indictable offences and prosecutions for indictable offences; to conduct prosecutions;

(i) at the sittings of the Supreme Court where no law officer of the Crown or other counsel has been appointed by the Attorney General,

(ii) at the court of general sessions of the peace,

(iii) at the county or district court judges' criminal court, and

(iv) before magistrates in summary trials under Part XVI of the *Criminal Code* (Canada), R.S.C.,
c. 36.

in the same manner as the law officers of the Crown conduct similar prosecutions at the sittings of the Supreme Court, and with the like rights and privileges, and attend to all criminal business at such courts;

(c) where a law officer of the Crown or other counsel has been appointed by the Attorney General, deliver to the Crown officer or other counsel all papers connected with the criminal business at the sittings of the Supreme Court before the opening special
Crown
counsel;

of the Court and, if required, be present at the Court and assist the Crown officer or other counsel;

cases
brought
by private
prosecutors;

- (d) watch over cases conducted by private prosecutors and, without unnecessarily interfering with private individuals who wish in such cases to prosecute, assume wholly the conduct of the case where justice towards the accused seems to demand his interposition;

summary
conviction
matters;

- (e) where in his opinion the public interest so requires, conduct proceedings in respect of any offence punishable on summary conviction;

government
prosecu-
tions.

- (f) when requested in writing, cause prosecutions for offences against any Act of this Legislature to be instituted on behalf of any governmental department or agency and conduct such prosecutions to judgment and to appeal, if so instructed;

summary
conviction
appeals;

- (g) where in his opinion the public interest so requires, conduct appeals to the county or district court for offences punishable on summary conviction;

justices of
the peace;

- (h) advise justices of the peace with respect to offences against the laws in force in Ontario;

forms;

- (i) procure the necessary forms for the use of justices of the peace, and supply the same as needed, the expense of which shall be paid out of the county funds as part of the expenses connected with the administration of justice, except where such forms are supplied by the county council through the clerk of the county or the clerk of the peace; and

bail.

- (j) where a prisoner is in custody charged with or convicted of any offence and an application is made for bail, inquire into the facts and circumstances and satisfy himself as to the sufficiency of the surety or sureties offered, and examine and approve of the bail bonds where bail is ordered. R.S.O. 1937, c. 137, ss. 6, 7, 19, *amended*.

Magistrates
and justices
to deliver
informa-
tions, etc.,
to Crown
attorney.

11. Where a person is committed for trial to answer a criminal charge the committing magistrate or justice of the peace shall deliver or cause to be delivered without delay to the Crown attorney the informations, depositions, examinations, recognizances and papers connected with the charge, and the Crown attorney shall be the "proper officer of the court by which the accused is to be tried" within the meaning

of section 695 of the *Criminal Code* (Canada) and, where an information has been laid or complaint made before a justice of the peace, whether proceedings have been taken thereon or not, the justice shall deliver to the Crown attorney all papers connected therewith on being by him required so to do. R.S.O. 1937, c. 137, s. 8, *amended*. R.S.C.,
c. 36.

12. Every Crown attorney, except a Crown attorney on fees, shall collect all fees payable to him as Crown attorney and clerk of the peace, other than those payable by the Province either directly or by way of refund to the county, and remit the same to the Inspector of Legal Offices by cheque payable to the Treasurer of Ontario, quarterly on the 1st day of January, April, July and October in each year, together with a statement showing the fees collected. R.S.O. 1937, c. 137, s. 12 (5), *amended*. Collection
and pay-
ment over
of fees,—
quarterly
returns.

13. Every Crown attorney and clerk of the peace shall, on or before the 31st day of January in every year, make to the Inspector of Legal Offices a return, verified by statutory declaration, of the aggregate amount of the fees and emoluments of his office during the preceding year, up to and including the 31st day of December. R.S.O. 1937, c. 137, s. 13, *amended*. Annual
returns.

14.—(1) The City of Toronto and the County of York shall have one Crown attorney, who shall be known as the Crown Attorney for the City of Toronto and the County of York, and such assistant Crown attorneys as may be deemed necessary by the Lieutenant-Governor in Council. R.S.O. 1937, c. 137, Part II, *part, amended*. Toronto
and York.

(2) The Corporation of the City of Toronto shall provide suitable office accommodation, furniture and stationery, with light and heat, for the Crown attorney, his assistants and staff, to be approved by the Attorney General, and the expenses so incurred shall be borne and apportioned and paid as part of the expenses of the administration of justice in the County of York. R.S.O. 1937, c. 137, s. 22. Idem.

15. The Lieutenant-Governor in Council may make regulations,— Regulations.

- (a) prescribing fees and travelling allowances for Crown attorneys or any class thereof in connection with prosecutions instituted on behalf of any governmental department or agency, and providing for the payment and disposition thereof;
- (b) prescribing fees and travelling allowances for Crown attorneys or any class thereof in connection with

appeals to the county or district court for offences punishable on summary conviction, and providing for the payment thereof;

- (c) fixing the responsibility for the payment of fees of Crown attorneys where a municipality or a governmental department or agency is entitled to the fine imposed or any portion thereof;

Rev. Stat.,
c. 136.

- (d) providing that counsel fees collected from defendants under *The Summary Convictions Act* shall be credited on the Crown attorney's fees that are properly payable to him by a municipality or a governmental department or agency;

- (e) providing fees and charges payable to Crown attorneys not otherwise provided for under this or any other Act, and providing for the payment thereof;

- (f) for carrying out the provisions of any Act imposing duties upon or touching the office of Crown attorney;

- (g) with respect to the prosecution by Crown attorneys of offenders against the laws in force in Ontario;

- (h) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1937, c. 137, ss. 10 (2), 14, *amended*.

Rev. Stat.,
c. 137; 1942,
c. 34, s. 8;
1947, c. 23.
Rev. Stat.,
c. 104, s. 10;
1941, c. 21,
s. 1, re-
pealed.

Commence-
ment of Act.

16. *The Crown Attorneys Act*, section 8 of *The Statute Law Amendment Act, 1942*, *The Crown Attorneys Amendment Act, 1947*, section 10 of *The General Sessions Act* and section 1 of *The General Sessions Amendment Act, 1941*, are repealed.

17. This Act shall come into force on the 1st day of July, 1949.

Short title.

18. This Act may be cited as *The Crown Attorneys Act, 1949*.

CHAPTER 22.

An Act to amend The Crown Timber Act.

*Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Crown Timber Act*, as amended by Rev. Stat., section 13 of *The Statute Law Amendment Act, 1946*, is further c. 36, s. 2, amended, amended by adding thereto the following subsection:

- (2) Where timber on the ungranted public lands and timber on patented lands where the timber on them remains the property of the Crown, has been killed or damaged and in the opinion of the Minister any other timber in such area ought to be cut for the purpose of economic forest utilization, the Minister may authorize the salvage of such timber to prevent waste at such rates and subject to such conditions, regulations and restrictions as the Minister may deem proper.

2. Section 2a of *The Crown Timber Act*, as enacted by Rev. Stat., section 1 of *The Crown Timber Amendment Act, 1948*, is c. 36, s. 2a (1948, amended by adding thereto the following subsections: c. 21, s. 1), amended.

- (3) Where under any general or special Act, regulation, license, lease, agreement, permit or other document the right to cut pulpwood is claimed or exercised and provision is made for the measurement and return of pulpwood cut in bolts exceeding eight feet in length, such pulpwood shall be measured and returned in units of eighty-five cubic feet of solid wood, and a unit shall be deemed to be a cord.

- (4) The Minister may allow bolts in lengths of eight feet to be measured and returned either as cords or as units of eighty-five cubic feet of solid wood, and a unit shall be deemed to be a cord.

Rev. Stat.,
c. 36, s. 3,
subs. 5,
amended.

3. Subsection 5 of section 3 of *The Crown Timber Act* is amended by striking out the words "and on the grantee under subsection 2 of section 5" in the second line, so that the subsection shall read as follows:

Rights of
locatees and
purchasers.

- (5) The rights conferred on the licensee under this section shall be subject to the rights to which the locatee or purchaser of the land and those claiming under him are entitled under *The Public Lands Act*.

Rev. Stat.,
c. 33.

Rev. Stat.,
c. 36, s. 3b
(1947,
c. 24, s. 1),
amended.

4. Section 3b of *The Crown Timber Act*, as enacted by section 1 of *The Crown Timber Amendment Act, 1947*, is amended by adding thereto the following subsection:

Cutting
rights
may be
extended.

- (3) Where rights to cut timber are granted under subsection 1 the Minister may from time to time,—

(a) determine the prices at which species of timber may be cut where the prices for such species are not specifically set out in the cutting authority; and

(b) grant rights to cut additional species not set out in the cutting authority at such prices and upon such terms and conditions as he may deem proper.

Rev. Stat.,
c. 36, s. 22,
repealed.

5. Section 22 of *The Crown Timber Act* is repealed.

Rev. Stat.,
c. 36, s. 25,
re-enacted.

6. Section 25 of *The Crown Timber Act* is repealed and the following substituted therefor:

Timber cut
without
authority
mixed with
other timber.

25. Where timber cut without authority has been made up with other timber into a crib, dam or raft, or in any other manner has been so mixed at the mills or elsewhere as to render it impossible or very difficult to distinguish the timber so cut without authority from other timber with which it is mixed, the whole of the timber so mixed shall be deemed to have been cut without authority on public lands, and until satisfactorily separated by the owner shall be liable to seizure and forfeiture accordingly.

Rev. Stat.,
c. 36,
amended.

7. *The Crown Timber Act* is amended by adding thereto the following sections:

Timber
may be
seized.

- 26a. The Minister may order timber which is cut on the ungranted public lands or on patented lands where the timber on them remains the property of the Crown to be seized by an employee of the Department where,—

(a) a person is cutting under authority and owes any dues to the Crown in respect of such timber or land; or

(b) a person is cutting without authority.

26b. Where timber or its manufactured product is seized and no claim is made within thirty days from the date of seizure the timber or its manufactured product shall be forfeited to and shall become the property of the Crown and may be disposed of in such manner as the Minister may direct and the proceeds from such disposal shall be dealt with in such manner as the Minister may determine.

Timber forfeited.

8.—(1) Subsections 1 and 2 of section 28 of *The Crown Timber Act* are repealed.

Rev. Stat., c. 36, s. 28, subss. 1, 2, repealed.

(2) Subsections 6 and 7 of the said section 28 are repealed and the following substituted therefor:

Rev. Stat., c. 36, s. 28, subss. 6, 7, re-enacted.

(6) If the timber is declared to be forfeited to the Crown under subsection 5 it shall again be delivered up to the Minister or to an officer or agent of the Department and may be disposed of in such manner as the Minister may direct and the proceeds from such disposal shall be dealt with in such manner as the Minister may determine.

When seizure upheld.

(7) Where timber is seized for non-payment of dues owing to the Crown such timber may be surrendered to the alleged owner or claimant upon payment to the Minister of all unpaid dues with interest thereon and costs and expenses incurred by the Minister.

Timber may be surrendered to owner.

9. This Act shall come into force on the 1st day of April, 1949.

Commencement of Act.

10. This Act may be cited as *The Crown Timber Amendment Act, 1949*.

Short title.

CHAPTER 23.

An Act to amend The Crown Witnesses Act.

Assented to March 9th, 1949.
Session Prorogued April 8th, 1949.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Crown Witnesses Act*, Rev. Stat., c. 142, s. 2, subs. 1 (1943, c. 28, s. 11, subs. 1), re-enacted. as re-enacted by subsection 1 of section 11 of *The Statute Law Amendment Act, 1943*, is repealed and the following substituted therefor:

- (1) The judge may grant to any person who attends at the instance of the Crown to give evidence an order for the payment of such sum as he deems proper but not more than is provided for in the Schedule to this Act, provided that the sum ordered to be paid may be increased upon the fiat of the Attorney General in order that the witness may be reasonably compensated for his attendance at the trial. Compensation to Crown witnesses.

2. *The Crown Witnesses Act* is amended by adding thereto the following schedule: Rev. Stat., c. 142, amended.

SCHEDULE

WITNESS FEES AND ALLOWANCES

1. Attending trial, each day—\$3.

Barristers, solicitors, physicians and surgeons when called upon to give evidence in consequence of any professional service rendered by them or to give professional opinions, each day—\$7.

Engineers, accountants, surveyors and architects when called upon to give evidence in consequence of any professional service rendered by them or to give evidence depending upon their skill or judgment, each day—\$7.

2. Where witness resides more than three miles from place of trial and travels by public conveyance other than taxi, the amounts reasonably and actually paid; where he travels in his own automobile, 8 cents for each mile necessarily travelled, but if a public conveyance other than taxi is available no witness shall be allowed mileage of more than 200 miles in respect of each day.

Where the witness is required to attend trial on more than one day and returns to his place of residence at night the allowance may be in respect of each day's attendance.

3. Where the witness resides elsewhere and is required to remain at the place of trial overnight, the amount reasonably and actually paid for living expenses, but not more than \$6 for each day.

Commence-
ment of Act.

3. This Act shall come into force on the 1st day of July, 1949.

Short title.

4. This Act may be cited as *The Crown Witnesses Amendment Act, 1949*.

CHAPTER 24.

An Act to amend The Cullers Act.

Assented to March 9th, 1949.
Session Prorogued April 8th, 1949.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Cullers Act*, as amended by section 12 of *The Statute Law Amendment Act, 1943* and section 1 of *The Cullers Amendment Act, 1946*, is further amended by re-lettering the present clause *aa* as clause *aaa* and by adding thereto the following clause:

(*aa*) "Culler" shall include scaler.

"Culler".

2. The oath set out in subsection 1 of section 8 of *The Cullers Act* is amended by inserting after the word "measure" in the third line the words "in accordance with the authorized Manual of Scaling Instructions", so that the oath shall read as follows:

That I, _____, while acting as a licensed culler, without fear, favour or affection and to the best of my judgment and skill, will correctly measure, in accordance with the authorized Manual of Scaling Instructions, all pulpwood (*or sawlogs as the case may be*) cut on public lands and which I may be employed to measure, and make true return of the same to the Department of Lands and Forests, or its agents.

3. Section 10 of *The Cullers Act*, as amended by section 13 of *The Statute Law Amendment Act, 1943*, is further amended by inserting after the word "ability" in the third line the words "in accordance with the authorized Manual of Scaling Instructions", so that the section shall read as follows:

10. It shall be the duty of every culler of sawlogs or of pulpwood as the case may be, to measure fairly and correctly to the best of his skill, knowledge and ability, in accordance with the authorized Manual of Scaling Instructions, all sawlogs and pulpwood which he may be employed to measure, making only such deductions as are necessary to allow for rots or other defects, and to enter in a book of record, for the purpose of return to the Department, what

he believes to be the proper contents of the logs and pulpwood, noting also the number of pieces of sawlogs and pulpwood timber respectively rejected as culls.

Rev. Stat.,
c. 240, s. 15
(1946,
c. 15, s. 3),
amended.

4. Section 15 of *The Cullers Act*, as re-enacted by section 3 of *The Cullers Amendment Act, 1946*, is amended by inserting after the word "license" in the second line of subsection 1 and subsection 2, respectively, the words "or special permit", so that the section shall read as follows:

Penalty.

15.—(1) Every person who, not being the holder of a license or special permit under this Act, performs or attempts to perform the duties of a culler, shall be guilty of an offence and shall incur a penalty of not less than \$10 nor more than \$50 for each offence.

Idem.

(2) Every person who, being the holder of a pulpwood culler's license or special permit only, performs or attempts to perform the duties of a sawlog culler, shall be guilty of an offence and liable to the penalties prescribed in subsection 1.

Rev. Stat.,
c. 240, s. 16a
(1947,
c. 25, s. 3),
re-enacted.

5. Section 16a of *The Cullers Act*, as enacted by section 3 of *The Cullers Amendment Act, 1947*, is repealed and the following substituted therefor:

Manual of
Scaling
Instructions
authorized.

16a. The Minister may authorize a Manual of Scaling Instructions prescribing the method of measuring timber cut on ungranted public lands, and timber cut on patented lands where the timber on them remains the property of the Crown, and such authorization shall be deemed to be of an administrative and not of a legislative nature.

Commence-
ment of Act.

6. This Act shall come into force on the day it receives the Royal Assent.

Short title.

7. This Act may be cited as *The Cullers Amendment Act, 1949*.

CHAPTER 25.

An Act to amend The Department of Municipal Affairs Act.

*Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *d* of section 1 of *The Department of Municipal Affairs Act* is amended by striking out the words "police commissioners" in the fourth and fifth lines and inserting in lieu thereof the words "commissioners of police, planning board", so that the clause shall read as follows:

Rev. Stat.,
c. 59, s. 1,
cl. d,
amended.

(*d*) "Local board" shall mean and include any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board and any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of a municipality or of two or more municipalities or portions thereof.

"Local
board".

2. Clause *b* of section 9*a* of *The Department of Municipal Affairs Act*, as enacted by section 2 of *The Department of Municipal Affairs Amendment Act, 1946*, is repealed.

Rev. Stat.,
c. 59, s. 9*a*,
cl. b (1946,
c. 20, s. 2),
repealed.

3. Section 43 of *The Department of Municipal Affairs Act*, as amended by subsection 1 of section 4 of *The Department of Municipal Affairs Amendment Act, 1938*, subsection 2 of section 6 of *The Statute Law Amendment Act, 1939* and section 4 of *The Department of Municipal Affairs Amendment Act, 1941*, is further amended by adding thereto the following subsections:

Rev. Stat.
c. 59, s. 43,
amended.

(4*a*) The treasurer, forthwith after he has sent the notice as required by subsection 4, shall make and register in the registry office a statutory declaration describing

Registration
of declaration
as to
sending of
notices.

ing the land to which it relates and setting forth the names and addresses of all persons to whom he has sent the notice and the date of sending the same to each person, and a copy of the notice shall be attached to the declaration as an exhibit.

Declara-
tion,—
fee for.

(4b) The registrar shall be paid a fee of \$1 for registration of the statutory declaration.

Commence-
ment of Act.

4.—(1) This Act, except section 2, shall come into force on the day it receives the Royal Assent.

Idem.

(2) Section 2 shall come into force on the 1st day of January, 1950.

Short title.

5. This Act may be cited as *The Department of Municipal Affairs Amendment Act, 1949.*

CHAPTER 26.

An Act to amend The Department of Travel and
Publicity Act, 1946.

*Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Department of Travel and Publicity Act, 1946* is ^{1946, c. 23} amended by adding thereto the following section: ^{amended.}

4a.—(1) The Minister shall after the close of each fiscal ^{Annual} year file with the Provincial Secretary an annual ^{report.} report upon the affairs of the Department.

(2) The Provincial Secretary shall submit the report to ^{Tabling.} the Lieutenant-Governor in Council and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session.

2. Sections 7 and 8 of *The Department of Travel and Pub-* ^{1946, c. 23,} *licity Act, 1946* are repealed and the following substituted ^{ss. 7, 8,} ^{re-enacted.} therefor:

7. No person, except an authorized agent or employee ^{Tourist} of any governmental or municipal authority, board ^{information.} of trade, chamber of commerce, *bona fide* tourist development association, *bona fide* travel agency or company transporting passengers by rail, boat, air or bus, shall, without the approval in writing of the Minister, display any sign or other device on or near any premises indicating that information for tourists or other similar service is available from him or on the premises.

8. No person shall distribute within or send from Ontario ^{Distribution} any advertising matter connected with or affecting ^{of adver-} the tourist industry including accommodation, faci- ^{tising} lities or service offered to tourists, or advertising ^{matter.} or publicizing the resources, attractions or advantages of Ontario that does not comply with the regulations.

Display of
notices by
tourist
establish-
ments.

- 8a. Every person who offers accommodation, facilities or services of any type prescribed by the regulations shall display a notice bearing the words "closed", "open", "vacancy" or "no vacancy", as the case may be, in accordance with the regulations.

Regulations.

- 8b. The Lieutenant-Governor in Council may make regulations with respect to the tourist industry,—

(a) regulating the form and contents of all or any class of advertising matter mentioned in section 8; and

Rev. Stat.,
c. 56.

(b) subject to *The Highway Improvement Act*, regulating the size, style and location of the notices mentioned in section 8a, and prescribing the type of accommodation, facilities or services to which such regulations shall apply.

Short title.

- 3.** This Act may be cited as *The Department of Travel and Publicity Amendment Act, 1949*.

CHAPTER 27.

An Act to amend The Deserted Wives' and
Children's Maintenance Act.

*Assented to March 9th, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2 of *The Deserted Wives' and Children's Maintenance Act*, as amended by section 1 of *The Deserted Wives' and Children's Maintenance Amendment Act, 1948*, is further amended by adding thereto the following subsection: Rev. Stat., c. 211, s. 2, amended.

- (4) Every person who wilfully resists any provision as to custody and right of access in any order made under this section shall be guilty of contempt and on summary conviction before the magistrate or judge or any magistrate or judge having jurisdiction in the court in which the order was made shall be liable to a penalty not exceeding \$100 or to imprisonment for a term not exceeding three months or to both fine and imprisonment. Contempt of custody orders.

2. This Act may be cited as *The Deserted Wives' and Children's Maintenance Amendment Act, 1949*. Short title

CHAPTER 28.

An Act to amend The Ditches and Watercourses Act.

*Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 3 of section 15 of *The Ditches and Watercourses Act* is amended by inserting after the word “practicable” in the eleventh line the words “and equitable”, so that the subsection shall read as follows: Rev. Stat., c. 350, s. 15, subs. 3, amended.

(3) The engineer may adjourn his examination and the hearing of evidence from time to time and if he finds that the ditch is required he shall, within sixty days after his first attendance, make his award in writing (Form 6) specifying clearly the location, description and course of the ditch, its commencement and termination, apportioning the work and the furnishing of material among the lands affected and the owners thereof, according to his estimate of their respective interests in the ditch, fixing the time for performance by the respective owners, apportioning the maintenance of the ditch among all or any of the owners so that as far as practicable and equitable each owner shall maintain the portion on his own land, and stating the amount of his fees and the other charges and by whom the same shall be paid. Further proceedings by engineer making award.

(2) Subsection 4 of the said section 15 is amended by striking out the words “shall certify in writing to the clerk” in the fifth line and inserting in lieu thereof the words “within the time prescribed in subsection 2 shall file with the clerk a certificate stating that he refuses to make an award, his reasons for such refusal,” so that the subsection shall read as follows: Rev. Stat., c. 350, s. 15, subs. 4, amended.

(4) If the engineer finds that the ditch is not required or is impracticable or cannot be constructed under the provisions of this Act, or if the owner filing the requisition neglects or refuses to serve notices as Certificate of engineer where award refused.

directed by the engineer under subsection 2, the engineer within the time prescribed in subsection 2 shall file with the clerk a certificate stating that he refuses to make an award, his reasons for such refusal, the amount of his fees and the other charges and by whom the same shall be paid.

Rev. Stat.,
c. 350, s. 15,
amended.

(3) The said section 15 is further amended by adding thereto the following subsection:

Notice of
certificate
of refusal.

(4a) Where the engineer files a certificate of refusal under subsection 4, the clerk shall notify the owner who made the requisition and the other owners named in the requisition, by registered letter or personal service, of the filing of the certificate of refusal, and shall keep a record of the persons to whom he sent notices, the addresses to which the notices were sent, and the date upon which the notices were deposited in the post office or personally served.

Rev. Stat.,
c. 350, s. 18,
amended.

2. Section 18 of *The Ditches and Watercourses Act* is amended by adding thereto the following subsection:

Filing of
documents.

(4) The clerk shall index and carefully file in a safe place all agreements and awards made under this Act.

Rev. Stat.,
c. 350,
amended.

3. *The Ditches and Watercourses Act* is amended by adding thereto the following sections:

Appeal from
refusal of
award.

20a.—(1) Where the engineer refuses to make an award because the ditch is not required or is impracticable or cannot be constructed under the provisions of this Act, any owner affected by the refusal, within fifteen clear days from the date of the mailing or service of the last notice under subsection 4a of section 15, may appeal therefrom to the judge.

Judgment
on appeal.

(2) Upon the hearing of the appeal, the judge may dismiss the appeal or may allow the appeal and direct the engineer to make an award in the manner provided in subsection 3 of section 15.

Application
of sections
20 to 24.

(3) Except where inconsistent with this section, sections 20 to 24 shall apply to an appeal under this section, and for the purposes of sections 20 to 24 the certificate of refusal of the engineer shall be deemed to be an award.

Judgment
dismissing
appeal final.

(4) Where the judge dismisses the appeal, there shall be no appeal to the drainage referee from his judgment.

.

34a.—(1) Where a parcel of land is charged with main-^{Subdivision of land charged with maintenance.}tenance in respect of a ditch constructed pursuant to an agreement or award, and one or more parts of the parcel is sold, the clerk of the municipality in which the parcel is situate shall direct the municipal engineer in writing to apportion the maintenance charged against the parcel among the parts into which the parcel is divided.

(2) The clerk shall send a copy of the direction by^{Notice to owners.} registered post to the owners of the parts into which the parcel is divided.

(3) The engineer shall make the apportionment in writ-^{Apportionment of maintenance.}ing and shall file it in the same manner as an award, and the apportionment shall thereupon be binding upon the parts into which the parcel is divided and the owners thereof.

4. Section 37 of *The Ditches and Watercourses Act* is^{Rev. Stat., c. 350, s. 37, amended.} amended by adding at the end thereof the words “and to supply the clerk with proper filing equipment for the safe-keeping of all agreements and awards made under this Act”, so that the section shall read as follows:

37. It shall be the duty of the council of every municipi-^{Forms to be supplied by municipality.}pality to keep printed copies of all the forms required by this Act and to supply the clerk with proper filing equipment for the safe-keeping of all agreements and awards made under this Act.

5. This Act shall come into force on the day it receives the^{Commencement of Act.} Royal Assent.

6. This Act may be cited as *The Ditches and Watercourses*^{Short title.} *Amendment Act, 1949.*

CHAPTER 29.

An Act to amend The Division Courts Act.

*Assented to March 9th, 1949.**Section 2 assented to April 1st, 1949.**Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 54 of *The Division Courts Act* is repealed and the following substituted therefor: Rev. Stat., c. 107, s. 54, re-enacted.

54.—(1) Save as otherwise provided by this Act the court shall have jurisdiction in,— Cases in which court has jurisdiction.

- (a) a personal action where the amount claimed does not exceed \$200;
- (b) a personal action if all the parties thereto consent in writing, and the amount claimed does not exceed \$400;
- (c) an action on a claim or demand of debt, account, or breach of contract, or covenant, or money demand, whether payable in money or otherwise, where the amount or balance claimed does not exceed \$200; provided that in the case of an unsettled account the whole account does not exceed \$1,000;
- (d) an action for the recovery of a debt or money demand, where the amount claimed, exclusive of interest, whether the interest is payable by contract or as damages, does not exceed \$400 and the amount claimed is,
 - (i) ascertained by the signature of the defendant or of the person whom as executor, or administrator he represents, or
 - (ii) the balance of an amount not exceeding \$400 which amount is so ascertained, or

- (iii) the balance of an amount so ascertained which did not exceed \$800, and the plaintiff abandons the excess over \$400, but

an amount shall not be deemed to be so ascertained where it is necessary for the plaintiff to give other and extrinsic evidence beyond the production of a document and proof of the signature to it; and the jurisdiction conferred by this clause shall apply to claims and proceedings against an absconding debtor;

- (e) an action or contestation for the determination of the right of a creditor to rank upon an insolvent estate where the claim of the creditor does not exceed \$200.

Combining causes of action.

(2) Claims combining,—

- (a) causes of action in respect of which the jurisdiction is by subsection 1 limited to \$200 hereinafter referred to as class (a);
- (b) causes of action in respect of which the jurisdiction is by subsection 1 limited to \$400 hereinafter referred to as class (b),

may be joined in one action; provided that the whole amount claimed in respect of class (a) does not exceed \$200, and that the whole amount claimed in respect of classes (a) and (b) combined, or in respect of class (b) where no claim is made in respect of class (a) does not exceed \$400.

Separate findings on combined claims.

- (3) The findings of the court upon claims so joined shall be separate.

Replevin.

- (4) Where the value of property distrained, taken or detained does not exceed \$200, and the title to land is not brought into question, an action of replevin may be brought in the court for the division within which the defendant or one of the defendants resides or carries on business or where the property was distrained, taken or detained, and *The Replevin Act* shall *mutatis mutandis* apply to such action.

Rev. Stat., c. 99.

Actions between teachers and school boards.
Rev. Stat., cc. 360, 357 and 362.

- (5) The court shall also have jurisdiction in actions between teachers and school boards as provided by *The High Schools Act*, *The Public Schools Act* and *The Separate Schools Act*.

2. Subsection 1 of section 88 of *The Division Courts Act* is amended by inserting after the word "may" in the fourth line the words "sue and", so that the subsection shall read as follows:

Rev. Stat.,
c. 107, s. 88,
subs. 1,
amended.

- (1) A person, whether or not a British subject, and whether residing in or out of Ontario, carrying on business within Ontario under a name or style other than his own name, may sue and be sued in such name or style.

Persons
carrying on
business in
Ontario
under an-
other
name.

3. Section 4 of *The Division Courts Amendment Act, 1937* is repealed.

1937, c. 20,
s. 4, re-
pealed.

4. This Act, except section 2, shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Commence-
ment of Act.

5. This Act may be cited as *The Division Courts Amendment Act, 1949*.

Short title.

CHAPTER 30.

The Farm Products Containers Act, 1949.

*Assented to March 9th, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) “association” means The Ontario Bee-keepers’ Association or The Ontario Fruit and Vegetable Growers’ Association; “association”;
- (b) “container” includes any bag, basket, box, can, crate or other receptacle used or suitable for use in the marketing of honey, fruit or vegetables; “container”;
- (c) “inspector” means inspector appointed to administer and enforce this Act; “inspector”;
- (d) “licence” means a licence issued under this Act; “licence”;
- (e) “manufacturer” means a person engaged in the business of manufacturing or selling containers used or suitable for use in the marketing of honey, fruit or vegetables; “manufacturer”;
- (f) “Minister” means Minister of Agriculture; “Minister”;
- (g) “producer” means a person engaged in the production of honey, fruit or vegetables and includes a person engaged in the handling, packing, processing, shipping, transporting, purchasing or selling of honey, fruit or vegetables; and “producer”;
- (h) “product” means honey or any fruit or vegetable. “product”.
1947, c. 35, s. 1, *amended*.

2. When the Minister receives from the association a request asking that for the purpose of defraying the expenses of the association, every producer of any product specified

Establish-
ment of fund.

in the request who purchases containers therefor, be required to obtain a licence and to pay licence fees, the Minister, subject to the approval of the Lieutenant-Governor in Council, may, if he is of the opinion that the association is fairly representative of such producers, make an order,—

- (a) providing for the licensing of every such producer and requiring him to pay licence fees through the manufacturer to the association and fixing the amount of such fees and the times of payment thereof;
- (b) exempting any class of producer from the provisions of the order;
- (c) requiring every manufacturer who sells containers either directly or indirectly to producers to collect the licence fees from the producers and to pay them to the association;
- (d) prohibiting the association from using any licence fees for the retail or wholesale distribution or processing of the product; and
- (e) requiring the association and manufacturers to furnish the inspector with such information and financial statements as the inspector may request. 1947, c. 35, s. 3, *amended*.

Offences and penalties.

3. Every person who violates any of the provisions of any order of the Minister made under this Act shall be guilty of an offence and upon summary conviction shall be liable to a penalty of not less than \$10 and not more than \$50 for a first offence and to a penalty of not less than \$50 and not more than \$200 for any subsequent offence. 1947, c. 35, s. 4, *amended*.

1947, c. 35;
1948, c. 28,
repealed.

4. *The Farm Products Containers Act, 1947 and The Farm Products Containers Amendment Act, 1948* are repealed.

Commence-
ment of Act.

5. This Act shall come into force on the day it receives the Royal Assent.

Short title.

6. This Act may be cited as *The Farm Products Containers Act, 1949*.

CHAPTER 31.

An Act to amend The Farm Products Grades and Sales Act.

*Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 2 of *The Farm Products Grades and Sales Act*, as amended by section 1 of *The Farm Products Grades and Sales Amendment Act, 1946* and section 1 of *The Farm Products Grades and Sales Amendment Act, 1947*, is further amended by adding thereto the following clauses: Rev. Stat., c. 307, s. 2, subs. 1, amended.

(bb) prescribing the manner in which sellers and shippers of farm products shall identify, for purposes of grading, individual producer's lots in any shipment;

(bbb) prescribing the manner in which shippers or packers shall make returns and prepare for presentation to the producer the statements of account of purchase of such farm products and for the investigation of such statements and the transactions represented thereby;

.

(ee) providing for the issue of grading certificates by inspectors and prescribing the form thereof.

(2) The said section 2 is further amended by adding thereto the following subsection: Rev. Stat., c. 307, s. 2, amended.

(3) Any word or expression used in any regulation made under this section may be defined in the regulation for the purposes of the regulations. Definitions.

2. This Act may be cited as *The Farm Products Grades and Sales Amendment Act, 1949*. Short title.

CHAPTER 32.

An Act to amend The Farm Products Marketing Act, 1946.

*Assented to March 9th, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 3 of *The Farm Products Marketing Act, 1946* is amended by adding thereto the following clause: 1946, c. 29, s. 3, subs. 1, amended.

(hh) prohibiting persons from engaging in the marketing or processing of any farm product except under the authority of a licence issued by the Board.

2. Subsection 2 of section 4 of *The Farm Products Marketing Act, 1946* is repealed and the following substituted therefor: 1946, c. 29, s. 4, subs. 2, re-enacted.

(2) The Lieutenant-Governor in Council may,— Approval of schemes.

(a) approve any scheme or any part thereof with such variations as he may deem proper and declare it to be in force in Ontario or any part thereof; and

(b) amend any approved scheme as he may deem proper.

(3) The Lieutenant-Governor in Council may make By-laws, regulations prescribing by-laws for regulating the government of local boards and the conduct of their affairs.

3. Subsection 1 of section 8 of *The Farm Products Marketing Act, 1946* is amended by adding thereto the following clause: 1946, c. 29, s. 8, subs. 1, amended.

(ff) providing for the collection, use and return of service charges or equalization fees on farm products.

Commence-
ment of Act.

4. This Act shall be deemed to have come into force on the 1st day of September, 1948.

Short title.

5. This Act may be cited as *The Farm Products Marketing Amendment Act, 1949.*

CHAPTER 33.

The Fire Departments Act, 1949.

*Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpretation,—

- (a) “fire department” means fire department organized under *The Municipal Act* and equipped with one or more motorized fire pumpers meeting the prescribed standards; “fire department”;
Rev. Stat.,
c. 266.
- (b) “Fire Marshal” means Fire Marshal of Ontario; “Fire Marshal”;
- (c) “full-time fire fighter” means person regularly employed in the fire department on a full-time salaried basis and assigned exclusively to fire protection or fire prevention duties and includes officers and technicians; “full-time fire fighter”;
- (d) “population” means population ascertained from the last revised assessment roll; “population”;
- (e) “prescribed standards” means standards prescribed by the regulations; “prescribed standards”;
- (f) “regulations” means regulations made under this Act; and “regulations”;
- (g) “volunteer fire fighter” means person who voluntarily acts as a fire fighter for a nominal consideration or honorarium. *New.* “volunteer fire fighter”.

PART I

2.—(1) In every municipality having a population of not less than 10,000, the full-time fire fighters assigned to fire-fighting duties shall work according to,—

(a)

Two-platoon
system.

(a) the two-platoon system where the full-time fire fighters are divided into two platoons, the hours of work of which shall be,

(i) for each platoon twenty-four consecutive hours on duty followed immediately by twenty-four consecutive hours off duty, or

(ii) for one platoon in day-time ten consecutive hours on duty followed immediately by fourteen consecutive hours off duty and for the other platoon in night-time fourteen consecutive hours on duty followed immediately by ten consecutive hours off duty,

and the platoons shall alternate at least every two weeks from night work to day work and vice versa;

Three-
platoon
system.

(b) the three-platoon system where the full-time fire fighters are divided into three platoons, the hours of work of which shall be eight consecutive hours on duty followed immediately by sixteen consecutive hours off duty, and the platoons shall rotate in their periods of duty and time off as may be arranged for the purpose of changing shifts at least every two weeks; or

Alternative
systems.

(c) any other system of platoons or hours of work under which the maximum hours of work or hours on duty are not more than seventy-two hours on the average in any work week. 1947, c. 37, ss. 2, 3, 4, *part, amended*.

Other
personnel.

(2) Full-time fire fighters assigned to other than fire-fighting duties shall work such hours as may be determined, but in no case shall such hours of work exceed the average work week of the other full-time fire fighters. 1947, c. 37, s. 4, *part*.

Maximum
hours.

(3) No full-time fire fighter shall be required to be on duty more than seventy-two hours on the average in any work week. *New*.

Weekly
day off
duty.

(4) Every full-time fire fighter shall be off duty for one full day of twenty-four hours in every calendar week, but where a two-platoon system or a three-platoon system is in operation, the twenty-four hours release at the change of platoons shall not be regarded as a day off duty for the purposes of this section. 1947, c. 37, s. 5 (1), *amended*.

(5) Nothing in this Act shall prohibit any municipality from granting the full-time fire fighters more than one day off duty in every calendar week. 1947, c. 37, s. 5 (2), *amended*. ^{Time off duty.}

(6) The hours off duty of full-time fire fighters shall be free from fire department duties or calls. 1947, c. 37, s. 4, *part, amended*. ^{Free from calls.}

(7) Notwithstanding the provisions of this section, in the case of a serious emergency requiring the services of every full-time fire fighter, the chief or other officer in charge of the fire department in his discretion may recall to duty the full-time fire fighters who are not on duty. 1947, c. 37, s. 4, *part, amended*. ^{Recall in emergency.}

3. No deduction shall be made from the pay or the holidays of the full-time fire fighters by reason of the provisions of this Act. 1947, c. 37, s. 6. ^{Act not to affect salaries or holidays of employees.}

4.—(1) When requested in writing by a majority of the full-time fire fighters, the council of the municipality shall bargain in good faith with a bargaining committee of the full-time fire fighters for the purpose of defining, determining and providing for remuneration and working conditions of the full-time fire fighters other than the chief of the fire department. 1947, c. 37, s. 7 (1); 1948, c. 31, s. 1, *amended*. ^{Bargaining.}

(2) Where not less than fifty per centum of the full-time fire fighters belong to a trade union any request made under subsection 1 shall be made by the union. 1947, c. 37, s. 7 (2). ^{Trade union.}

(3) In every case the members of the bargaining committee shall be full-time fire fighters, but where not less than fifty per centum of the full-time fire fighters belong to a trade union the bargaining committee may, at all meetings held with the council of the municipality or any committee thereof for the purpose of bargaining, be accompanied by,— ^{Affiliated bodies.}

(a) where the trade union is affiliated with a provincial body, one member of the provincial body; and

(b) where the trade union is affiliated with an international body, one member of the international body,

each of whom shall attend in an advisory capacity only. 1947, c. 37, s. 7 (2, 3), *amended*.

5.—(1) Where, after bargaining under section 4, the council of the municipality or the bargaining committee is satisfied than an agreement cannot be reached, it may by notice in ^{Board of arbitration.}

writing to the bargaining committee or the council, as the case may be, require all matters in dispute to be referred to a board of arbitration of three members in which case the council and the bargaining committee shall each appoint a member and the third member, who shall be the chairman, shall be appointed by the two members so appointed.

Failure to
appoint
member.

(2) Where either party fails to appoint a member of the board of arbitration within a reasonable time, or having appointed a person who is unable or unwilling to act, fails to appoint another member within a reasonable time, the Attorney General may, upon the written request of the other party, appoint a member in lieu thereof.

Failure to
appoint
chairman.

(3) Where the two members of the board of arbitration appointed by the parties fail, within five days of the appointment of the one last appointed, to agree upon a third member, the Attorney General may, upon notice in writing of such failure given to him* by either of them or by either of the parties, appoint the third member. 1947, c. 37, s. 8 (1-3).

Decision.

(4) Where upon an arbitration, a majority of the members of the board of arbitration fail to agree upon any matter, the decision of the chairman upon such matter shall be deemed to be the decision of the board of arbitration. 1948, c. 31, s. 2.

Costs.

(5) Each party shall assume its own costs of the arbitration proceedings and shall share the cost of the third arbitrator equally. 1947, c. 37, s. 8 (4).

Effect of
agreement
or award.

6.—(1) Every agreement made under section 4 and every decision or award of a majority of the members of the board of arbitration under section 5, shall be binding upon the council of the municipality and the full-time fire fighters. 1947, c. 37, s. 9 (1).

Duration of
agreement
or award.

(2) Nothing in this Act shall require the continuance in force of any agreement, decision or award for more than one year from the date upon which it commenced to be in force. 1947, c. 37, s. 9 (3).

Agreement,
decision or
award,—
when to
have effect.

7.—(1) An agreement, decision or award shall have effect upon the first day of the fiscal period in respect of which the council of the municipality may include provision in its estimates for any expenditures incurred in the agreement, decision or award, whether such day is before or after the date of the agreement, decision or award, unless another day is named in the agreement, decision or award in lieu thereof.

(2) Where, pursuant to subsection 1, another day is named ^{Idem.} in an agreement, decision or award, as the day upon which the agreement, decision or award shall have effect and such day is prior to the first day of the fiscal period in respect of which the council of the municipality may include provision in its estimates for any expenditures involved in the agreement, decision or award, any of the provisions involving expenses shall, notwithstanding the naming of such day, have effect from the first day of such fiscal period. 1948, c. 31, s. 4 (1), *part.*

8.—(1) Where a request in writing is made under subsection 1 of section 4 after the 30th day of November in any year and before the 1st day of December in the year next following and no agreement, decision or award has resulted therefrom at the time when the council is passing its estimates in the year next following the last-mentioned year, the council shall make adequate provision for the payment of such expenditures as may be involved in the request. ^{Payment of expenditures.}

(2) Where the council of a municipality fails to comply with subsection 1, the Lieutenant-Governor in Council may, ^{Withholding of provincial grant.}—

(a) upon being requested in writing by a majority of the full-time fire fighters; and

(b) upon determining the fact of such failure and so certifying in writing,

direct the withholding from the municipality of any grant at any time payable out of provincial funds to the municipality and the deposit of such a direction with the Treasurer of Ontario shall be his authority to withhold a grant accordingly.

(3) Where not less than fifty per centum of the full-time fire fighters belong to a trade union, any request made under subsection 2 shall be made by the union. ^{Request by union.}

(4) Where a direction has been made under subsection 2, the Lieutenant-Governor in Council may, upon provision being made by the council of the municipality for the making of the expenditures involved, revoke such direction in whole or in part subject to any terms or conditions that he may deem advisable. 1948, c. 31, s. 4 (1), *part.* ^{Revocation of direction.}

9. This Act shall have effect notwithstanding any by-law or regulation of a municipality relating to the fire department. 1947, c. 37, s. 10, *amended.* ^{Act to prevail over municipal by-laws.}

10. Every person who requires or requests a full-time fire fighter to be on duty in violation of this Act shall be guilty ^{Offence.} of

of an offence and on summary conviction shall be liable to a penalty of not less than \$10 and not more than \$100. 1947, c. 37, s. 11, *amended*.

PART II

Grants
in aid.

11.—(1) The Treasurer of Ontario may make an annual grant out of the Consolidated Revenue Fund to every municipality having a fire department, and the amount of such grant shall be equal to the following proportion of the cost of the fire department for the year preceding the year in which the grant is made,—

- (a) where the population of the municipality is less than 10,000, twenty-five per centum;
- (b) where the population of the municipality is 10,000 or more and less than 25,000, twenty per centum;
- (c) where the population of the municipality is 25,000 or more and less than 70,000, fifteen per centum; and
- (d) where the population of the municipality is 70,000 or more, ten per centum.

Fire areas in
townships.

(2) Where there is one or more fire areas within a township, the population of the fire area or areas shall be deemed to be the population of the municipality for the purposes of this section. *New.*

Cost,—
how de-
termined.

12.—(1) For the purposes of this Part the cost of the fire department shall be the total of the amounts paid during the year by the municipality in respect of,—

- (a) the services of full-time and volunteer fire fighters;
- (b) uniforms, clothing allowances and personal equipment for full-time and volunteer fire fighters;
- (c) office supplies and equipment and clerical assistance;
- (d) *The Workmen's Compensation Act* or benefit plan approved by the Workmen's Compensation Board;
- (e) liability and fire insurance premiums;
- (f) contributions to any pension plan for full-time fire fighters where the plan is approved by the Superintendent of Insurance;

Rev. Stat.,
c. 204.

- (g) membership in and expenses of representatives attending meetings of associations of fire marshals, fire chiefs or fire fighters or any fire college or fire school established under this Act;
- (h) fire apparatus and fire-fighting equipment meeting the prescribed standards and fire alarm and communication systems and equipment and the normal operation, maintenance and repair thereof; and
- (i) such matters and things as the Lieutenant-Governor in Council may prescribe.

(2) Where payment of any portion of the cost of the fire department has been deferred to any subsequent year or where the money required to pay any portion of the cost of the fire department has been raised by way of a loan or the issue of debentures, such portion shall, for the purposes of subsection 1, be deemed to be paid.

(3) Where any municipality has an agreement under *The Municipal Act* for fire protection services to be furnished to it by any other municipality,—

Interpretation of "paid".
Fire protection agreements.
Rev. Stat.,
c. 266.

- (a) it shall be deemed to have a fire department, and the payments made during the year under any such agreement shall be deemed to be the cost thereof;
- (b) the amount of the grant shall be based upon the population of the municipality or fire area or areas therein receiving the fire protection services; and
- (c) the municipality receiving payment for fire protection services furnished shall deduct the amount thereof from the total of its cost before any claim is made by it under this Part. *New.*

13.—(1) No grant under section 11 shall be made,—

Conditions precedent to grants.

- (a) unless all full-time and volunteer fire fighters are under *The Workmen's Compensation Act* or a benefit plan approved by the Workmen's Compensation Board;
- (b) where the municipality is in default under Part I or under any agreement, decision or award made under the collective bargaining provisions of Part I; and
- (c) in the case of a municipality employing any full-time fire fighters, unless a pension plan approved by the

Rev. Stat.,
c. 204.

Superintendent of Insurance has been established under which the contributions of the full-time fire fighters and the municipality together equal or exceed ten per centum of their salaries and under which the contributions of the municipality equal or exceed the contributions of the full-time fire fighters.

Claims
in 1949.

(2) A municipality may make a claim in the year 1949 based upon the cost of the fire department for the year 1948 whether or not the requirements of subsection 1 were met in the year 1948. *New.*

Claim
for grants.

14.—(1) The treasurer of a municipality making claim in any year to a grant under section 11 shall, so soon as may be in the year after the cost of the fire department for the preceding year has been determined, send to the Fire Marshal a statement in the form prescribed by the Fire Marshal signed by the head of the municipality and himself showing,—

(a) that the requirements of section 13 have been met; and

(b) the cost of the fire department for the preceding year, together with such particulars thereof as the Fire Marshal may require.

Fire
Marshal's
certificate.

(2) The Fire Marshal shall examine the statement and if he is satisfied as to the correctness thereof he shall so certify to the Treasurer of Ontario.

Appeal to
Municipal
Board.

(3) Where the Fire Marshal notifies the treasurer of the municipality that he is not satisfied as to the correctness of the statement, the council of the municipality, within fourteen days of the receipt by the treasurer of the notice, may appeal any matter in dispute to the Ontario Municipal Board, whose decision thereon shall be final and shall be acted upon by the Fire Marshal. *New.*

Payment.

15. After receipt of the certificate of the Fire Marshal and so soon as may be after the 1st day of November of the year in which the claim is made, the Treasurer of Ontario may make the grant provided for in section 11. *New.*

Fire
pumper
grants.

16.—(1) The Treasurer of Ontario may make an additional grant out of the Consolidated Revenue Fund to any municipality that for the first time purchases a motorized fire pumper meeting the prescribed standards as part of the organization or re-organization of its fire department, of an amount equal to ten per centum of the purchase price of such pumper.

(2) The treasurer of the municipality shall send to the Fire Marshal a statement in the form prescribed by the Fire Marshal, signed by the head of the municipality and himself, showing such purchase and the amount of the purchase price. ^{Treasurer's statement.}

(3) The Fire Marshal shall examine the statement and if he is satisfied as to the correctness thereof, he shall so certify to the Treasurer of Ontario. ^{Fire Marshal's certificate.}

(4) Upon receipt of the certificate the Treasurer of Ontario may make the grant provided for in this section. ^{Payment.} *New.*

17. The Fire Marshal may,—

^{Fire schools.}

- (a) establish, maintain and operate a central fire college for the training of fire department officers;
- (b) establish and operate regional fire schools for the training of fire fighters; and
- (c) provide travelling instructors for fire fighters,

and the cost thereof shall be payable out of such moneys as may be appropriated by the Legislature for the purpose. *New.*

18. The Lieutenant-Governor in Council may make regulations,— ^{Regulations.}

- (a) prescribing standards for fire apparatus and fire-fighting equipment; and
- (b) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. *New.*

19. *The Fire Departments Act, 1947* and *The Fire Departments Amendment Act, 1948* are repealed. ^{1947, c. 37; 1948, c. 31, repealed.}

20. This Act shall be deemed to have come into force on the 1st day of January, 1949. ^{Effective date.}

21. This Act may be cited as *The Fire Departments Act*, ^{Short title.} 1949.

CHAPTER 34.

An Act to amend The Forest Fires Prevention Act, 1948.

*Assented to April 1st, 1949.**Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 1 of section 12 of *The Forest Fires Prevention Act, 1948* is repealed and the following substituted therefor: 1948, c. 32, s. 12, subs. 1, cl. *a*, re-enacted.

- (a) carrying on any logging, mining or industrial operation or before clearing land for a right-of-way for any road, trail, tote-road, ditch or flume, or for any telephone, telegraph, power or pipe line, or before clearing land to be flooded for water storage purposes, or before constructing any dam, bridge or camp or before carrying on any other woods operation of any kind liable to cause the accumulation of any slash or debris on any land within a fire district.

2. Subsection 1 of section 16 of *The Forest Fires Prevention Act, 1948* is repealed and the following substituted therefor: 1948, c. 32, s. 16, subs. 1, re-enacted.

- (1) Every person clearing land for a right-of-way for any road, trail, tote-road, ditch or flume, or for any telephone, telegraph, power or pipe line, or clearing land to be flooded for water storage purposes, shall, subject to the provisions of this Act respecting fire permits, pile and burn on the land being cleared all refuse, timber, brush or other inflammable material cut or accumulated thereon. Destruction of refuse on land being cleared.

3.—(1) Subsection 1 of section 19 of *The Forest Fires Prevention Act, 1948* is amended by inserting after the word “officer” in the second line the words “may use any privately-owned equipment and”, so that the subsection shall read as follows: 1948, c. 32, s. 19, subs. 1, amended.

Right to
summon
assistance.

- (1) For the purpose of controlling and extinguishing any fire, an officer may use any privately-owned equipment and may employ or summon the assistance of any male person between the ages of eighteen and sixty years, excepting only trainmen, boat crews, local telephone operators, telegraphers and despatchers on duty, doctors and persons physically unfit.

1948, c. 32,
s. 19, subs. 2,
amended.

- (2) Subsection 2 of the said section 19 is amended by inserting after the word "neglects" in the first line the words "to provide any privately-owned equipment or", so that the subsection shall read as follows:

Penalty
for refusing
to assist or
to provide
equipment.

- (2) Every person who refuses or neglects to provide any privately-owned equipment or to render assistance when required under this section shall be guilty of an offence against this Act.

1948, c. 32,
s. 20, subs. 1,
amended.

4. Subsection 1 of section 20 of *The Forest Fires Prevention Act, 1948* is amended by striking out the words "shall use all reasonable efforts to extinguish it and in any prosecution or action the onus shall be upon him to prove that he used all such reasonable efforts" in the seventh, eighth and ninth lines and inserting in lieu thereof the words "shall use all reasonable efforts to extinguish such fire and shall report it without undue delay to an officer, and in any prosecution or action the onus shall be upon him to prove that he used all such reasonable efforts or that he so reported such fire, as the case may be", so that the subsection shall read as follows:

Reporting
and ex-
tinguishing
fires.

- (1) Every owner, within the meaning of subsection 1 of section 14, of land upon which there is a fire other than,—

(a) a fire set out for cooking or obtaining warmth and kept under control; or

(b) a fire set out under the authority of this Act and kept under control,

shall use all reasonable efforts to extinguish such fire and shall report it without undue delay to an officer, and in any prosecution or action the onus shall be upon him to prove that he used all such reasonable efforts or that he so reported such fire, as the case may be.

Short title.

5. This Act may be cited as *The Forest Fires Prevention Amendment Act, 1949*.

CHAPTER 35.

An Act to amend The Forest Management Act, 1947.

*Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 2 of *The Forest Management Act, 1947* is amended by striking out the word "and" at the end of clause *b*, by adding the word "and" at the end of clause *c* and by adding thereto the following clause:

- (*d*) a statement of the purposes for which the timber is to be utilized,

so that the subsection shall read as follows:

- (1) Every person who has cutting rights in a Crown timber area shall, when required by the Minister, furnish to him,—
- Inventory and master plan to be furnished.
- (*a*) an estimated inventory of the timber on the Crown timber area with respect to which he has cutting rights, classifying the timber as to age, species, size and type;
- (*b*) a proposed master plan for managing the Crown timber area and utilizing the timber thereon;
- (*c*) a map, which shall form a part of the master plan, dividing the Crown timber area into proposed operational units; and
- (*d*) a statement of the purposes for which the timber is to be utilized.

2. Subsection 1 of section 3 of *The Forest Management Act, 1947* is amended by striking out the words "during the life of such master plan" in the second line, so that the subsection, exclusive of the clauses, shall read as follows:

Information to be furnished annually.

- (1) Every person who is required to furnish a master plan shall annually furnish to the Minister,—

.

1947.
c. 38, s. 5,
re-enacted.

- 3.** Section 5 of *The Forest Management Act, 1947* is repealed and the following substituted therefor:

Suspension or cancellation of agreement or licence.

5. Where any person fails to comply with an approved master plan, or fails to comply with section 3, the Minister may suspend or cancel, in whole or in part, the agreement or licence, or both, under which such person derives his cutting rights.

Preservation of forests, etc.

Rev. Stat.,
c. 36.

- 5a.—(1) Notwithstanding anything contained in *The Crown Timber Act*, for the purpose of forest management, watershed protection or fire protection, or the preservation of beauty of landscape, game preserves or game shelters, the Minister may,—

(a) cancel or vary any cutting rights in any area designated by him;

(b) direct the marking of trees to be left standing or to be cut in any area designated by him, and the cost of such marking and cutting shall be borne by the person holding the cutting rights.

- (2) Every order made under this section shall be deemed to be of an administrative and not of a legislative nature.

Short title.

- 4.** This Act may be cited as *The Forest Management Amendment Act, 1949*.

CHAPTER 36.

An Act respecting Certain Contracts that have
become Impossible of Performance or have
been Otherwise Frustrated.

*Assented to March 9th, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) “contract” includes a contract to which the Crown “contract”;
is a party;
- (b) “court” means the court or arbitrator by or before “court”;
whom a matter falls to be determined; and
- (c) “discharged” means relieved from further per- “dis-
formance of the contract. charged”.

2.—(1) This Act applies to any contract governed by the ^{Application} law of Ontario whether made before or after the coming ^{of Act.} into force of this Act, that after the coming into force of this Act has become impossible of performance or been otherwise frustrated and the parties to which for that reason have been discharged.

(2) This Act does not apply,—

Exceptions.

- (a) to a charterparty or a contract for the carriage of
goods by sea, except a time charterparty or a
charterparty by way of demise;
- (b) to a contract of insurance; or
- (c) to a contract for the sale of specific goods where the
goods, without the knowledge of the seller, have
perished at the time when the contract is made,
or where the goods, without any fault on the part
of the seller or buyer, perish before the risk passes
to the buyer.

Adjustment
of rights and
liabilities,—

3.—(1) The sums paid or payable to a party in pursuance of a contract before the parties were discharged,—

(a) in the case of sums paid, are recoverable from him as money received by him for the use of the party by whom the sums were paid; and

payments;

(b) in the case of sums payable, cease to be payable.

expenses;

(2) If, before the parties were discharged, the party to whom the sums were paid or payable incurred expenses in connection with the performance of the contract, the court, if it considers it just to do so having regard to all the circumstances, may allow him to retain or to recover, as the case may be, the whole or any part of the sums paid or payable not exceeding the amount of the expenses, and without restricting the generality of the foregoing the court, in estimating the amount of the expenses, may include such sum as appears to be reasonable in respect of overhead expenses and in respect of any work or services performed personally by the party incurring the expenses.

benefits;

(3) If, before the parties were discharged, any of them has, by reason of anything done by any other party in connection with the performance of the contract, obtained a valuable benefit other than a payment of money, the court, if it considers it just to do so having regard to all the circumstances, may allow the other party to recover from the party benefited the whole or any part of the value of the benefit.

assumed
obligations;

(4) Where a party has assumed an obligation under the contract in consideration of the conferring of a benefit by any other party to the contract upon any other person, whether a party to the contract or not, the court, if it considers it just to do so having regard to all the circumstances, may for the purposes of subsection 3 treat any benefit so conferred as a benefit obtained by the party who has assumed the obligation.

insurance;

(5) In considering whether any sum ought to be recovered or retained under this section by a party to the contract, the court shall not take into account any sum that, by reason of the circumstances giving rise to the frustration of the contract, has become payable to that party under any contract of insurance unless there was an obligation to insure imposed by an express term of the frustrated contract or by or under any enactment.

(6) Where the contract contains a provision that upon the true construction of the contract is intended to have effect in the event of circumstances that operate, or but for the provision would operate, to frustrate the contract, or is intended to have effect whether such circumstances arise or not, the court shall give effect to the provision and shall give effect to this section only to such extent, if any, as appears to the court to be consistent with the provision.

(7) Where it appears to the court that a part of the contract can be severed properly from the remainder of the contract, being a part wholly performed before the parties were discharged, or so performed except for the payment in respect of that part of the contract of sums that are or can be ascertained under the contract, the court shall treat that part of the contract as if it were a separate contract that had not been frustrated and shall treat this section as applicable only to the remainder of the contract.

4. This Act shall come into force on the 1st day of June, 1949.

5. This Act may be cited as *The Frustrated Contracts Act, 1949*.

CHAPTER 37.

An Act to amend The Game and Fisheries Act, 1946.

Assented to April 8th, 1949.
Session Prorogued April 8th, 1949.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *h* of section 1 of *The Game and Fisheries Act, 1946*, as amended by subsection 2 of section 1 of *The Game and Fisheries Amendment Act, 1948*, is further amended by striking out the word “rabbit” in the second line, so that the clause shall read as follows:

(*h*) “fur-bearing animal” shall mean a beaver, fisher, fox, lynx, marten, mink, musk-rat, otter, racoon, skunk, red squirrel, weasel and wolverine or any other animal which the Lieutenant-Governor in Council may declare to be a fur-bearing animal.”

(2) Clause *ww* of the said section 1, as enacted by subsection 1 of section 1 of *The Game and Fisheries Amendment Act, 1948*, is amended by inserting after the word “deadfall” in the first line the word “snare”, so that the clause shall read as follows:

(*ww*) “trap” shall mean any spring trap, gin, deadfall, snare, box or net used to capture game, and “trapping” shall have a corresponding meaning.

2. Section 7 of *The Game and Fisheries Act, 1946* is amended by adding thereto the following subsection:

(10) Any search warrant or authorization to search issued or authorized under this Act may be executed at any time, including Sunday or other holiday, and by day or night.

3.—(1) Subsection 1 of section 10 of *The Game and Fisheries Act, 1946* is amended by striking out the word “game” in the third line and inserting in lieu thereof the words “animal or bird”, so that the subsection shall read as follows:

Fire-arms.

- (1) Except under a licence no person shall carry or use any fire-arm or air-gun for the purpose of hunting any animal or bird.

1946, c. 33,
s. 10, subs. 3,
re-enacted.

- (2) Subsection 3 of the said section 10, as amended by subsection 3 of section 6 of *The Game and Fisheries Amendment Act, 1947*, is repealed and the following substituted therefor:

Power of
fire-arms.

- (3) The holder of a licence issued under subsection 1 shall not,—

(a) carry or use a rifle of greater calibre or projectile power than the rifle commonly known as a “twenty-two calibre low-powered rifle”; or

(b) while hunting with a shotgun have in his gun or on his person shotgun shells loaded with ball or with shot larger than number two shot,

during the open season for deer or moose in areas which such animals inhabit or in which they are usually found.

1946, c. 33,
s. 11, subs. 2,
repealed.

4. Subsection 2 of section 11 of *The Game and Fisheries Act, 1946* is repealed.

1946,
c. 33, s. 14,
re-enacted.

5. Section 14 of *The Game and Fisheries Act, 1946* is repealed and the following substituted therefor:

Dealing in
musk-rat,
etc.

14. Notwithstanding anything in this Act any person may under a licence sell the meat of any musk-rat, beaver, raccoon or bear where taken lawfully and any person may without a licence possess or buy any such meat for his own use.

1946, c. 33,
s. 16, subs. 3,
amended.

6. Subsection 3 of section 16 of *The Game and Fisheries Act, 1946* is amended by adding at the end thereof the words “or as a pet”, so that the subsection shall read as follows:

Game for
educational
purposes,
etc.

- (3) The Deputy Minister may issue a licence to any person to possess live game for scientific and educational purposes or as a pet.

1946,
c. 33, s. 20,
subs. 4,
repealed.

7. Subsection 4 of section 20 of *The Game and Fisheries Act, 1946* is repealed.

1946, c. 33,
s. 23, cl. c,
amended.

8. Clause c of section 23 of *The Game and Fisheries Act, 1946* is amended by adding thereto the following subclause:

- (v) to hunt wolves from the 1st day of March to the 15th day of June..... 5.00
and an issuing fee of25

9. Section 26 of *The Game and Fisheries Act, 1946* is repealed and the following substituted therefor: ^{1946, c. 33, s. 26, re-enacted.}

26. No person shall hunt, kill or destroy, or attempt to hunt, kill or destroy any caribou, deer, moose or wapiti (elk) except during such times and under such terms and conditions and in such parts of Ontario as the Lieutenant-Governor in Council may prescribe. ^{Open seasons.}

10.—(1) Subsection 1 of section 27 of *The Game and Fisheries Act, 1946*, as amended by subsection 1 of section 9 of *The Game and Fisheries Amendment Act, 1948*, is further amended by inserting after the word “time” in the first line and after the word “to” in the amendment of 1948 respectively the word “trap”, so that the subsection shall read as follows: ^{1946, c. 33, s. 27, subs. 1, amended.}

- (1) No person shall at any time trap, hunt, take or kill or attempt to trap, hunt, take or kill any beaver, or possess the carcass, pelt or any part of any beaver, except during such period and on such terms and conditions as the Lieutenant-Governor in Council may prescribe, but the Minister may at any time by order in writing authorize the taking or killing of beaver by an overseer or other officer named in the order in any designated locality in which, in the opinion of the Minister, beaver are causing damage to a highway or to property of His Majesty or private property, and the beaver taken or killed shall be accounted for and delivered to the Department. ^{Beaver.}

(2) Subsection 2 of the said section 27, as amended by subsection 2 of section 9 of *The Game and Fisheries Amendment Act, 1948*, is further amended by inserting after the word “shall” in the first line the word “trap”, so that the subsection, exclusive of the clauses, shall read as follows: ^{1946, c. 33, s. 27, subs. 2, amended.}

- (2) No person shall trap, hunt, take or kill, or possess the carcass, pelt or any part of,— ^{Trapping, hunting, etc.}

11.—(1) Clause *e* of section 29 of *The Game and Fisheries Act, 1946*, as amended by subsection 2 of section 11 of *The Game and Fisheries Amendment Act, 1947*, is further amended by inserting after the word “of” in the first line the word “Bruce” and by inserting after the word “Ontario” in the fourth line the word “Oxford”, so that the clause shall read as follows: ^{1946, c. 33, s. 29, cl. *e*, amended.}

Snares
prohibited
in certain
counties.

- (e) use snares for any purpose in the Counties of Bruce, Carleton, Dundas, Durham, Frontenac, Glengarry, Grenville, Grey, Halton, Hastings, Lanark, Leeds, Lennox and Addington, Northumberland, Ontario, Oxford, Peel, Peterborough, Prescott, Prince Edward, Russell, Stormont, Victoria and York, provided that snares may be used for the taking of wolves in the Townships of Canonto and Palmerston in the County of Frontenac from the 1st day of December to the 30th day of April.

1946, c. 33,
s. 29, cl. f,
amended.

- (2) Clause *f* of the said section 29 is amended by inserting after the word "Ontario" in the first line the words "except the Territorial Districts of Rainy River, Kenora and Thunder Bay", so that the clause shall read as follows:

Snares in
open seasons.

- (f) use snares for any purpose in any part of Ontario except the Territorial Districts of Rainy River, Kenora and Thunder Bay during the open season for deer and moose in that part and during a period of one month immediately preceding the open season.

1946, c. 33,
s. 39, cl. a,
amended.

- 12.** Clause *a* of section 39 of *The Game and Fisheries Act, 1946* is amended by adding at the end thereof the words "or may be kept under a licence during the period between the end of the open season and the 31st day of August in the next following year", so that the clause shall read as follows:

deer, moose
and birds.

- (a) any deer, moose, or bird protected by this Act, lawfully killed or procured, may be kept during the period between the end of the open season in any year and the 31st day of March in the next following year, unless otherwise provided under the regulations, or may be kept under a licence during the period between the end of the open season and the 31st day of August in the next following year.

1946,
c. 33, s. 43
(1948,
c. 35, s. 11),
amended.

- 13.** Section 43 of *The Game and Fisheries Act, 1946*, as re-enacted by section 11 of *The Game and Fisheries Amendment Act, 1948*, is amended by striking out the word "or" at the end of clause *a*, by adding the word "or" at the end of clause *b* and by adding thereto the following clause:

- (c) discharge any air-gun, gun, rifle or fire-arm between one-half hour after sunset and one-half hour before sunrise of any day, except as may be provided by the regulations.

1946, c. 33,
s. 46, subs. 1,
amended.

- 14.** Subsection 1 of section 46 of *The Game and Fisheries Act, 1946* is amended by striking out all the words after the word "skins" in the fourth line and inserting in lieu thereof

the words "and other species of game in the number authorized to be possessed at any one time by the regulations made under this Act or under the *Migratory Birds Convention Act* (Canada)", so that the subsection shall read as follows:

- (1) No non-resident entitled to hunt under a licence shall export in any one open season more game actually and lawfully killed by him than one deer, one bull moose, all bears or their skins and other species of game in the number authorized to be possessed at any one time by the regulations made under this Act or under the *Migratory Birds Convention Act* (Canada). Export of game by non-residents.
R.S.C., c. 130.

15. Subsection 1 of section 50 of *The Game and Fisheries Act, 1946* is amended by inserting after the words "rainbow trout" in the fourth and sixth lines respectively the words "Kamloops trout", so that the subsection shall read as follows: 1946, c. 33, s. 50, subs. 1, amended.

- (1) No person shall sell, offer for sale, purchase or barter, or be concerned in the sale, purchase or barter of any small-mouthed black bass, large-mouthed black bass, maskinonge, speckled trout, brown trout, rainbow trout, Kamloops trout or Aurora trout, but under a licence issued by the Minister any person may sell speckled trout, brown trout, rainbow trout, Kamloops trout or Aurora trout, where they are propagated by the holder of the licence. No traffic in certain fish.

16. *The Game and Fisheries Act, 1946* is amended by adding thereto the following section: 1946, c. 33, amended.

56a. Aircraft shall not be used in connection with hunting operations except as a means of transportation between a settlement or base of operations and a hunting camp,— Use of aircraft.

- (a) that is authorized to operate under any licence; or
- (b) that is situated on patented land; or
- (c) that is established on Crown land by Crown authority.

17.—(1) Clause *a* of subsection 1 of section 57 of *The Game and Fisheries Act, 1946* is repealed and the following substituted therefor: 1946, c. 33, s. 57, subs. 1, cl. a, re-enacted.

- (a) hunt any bird or animal with any repeating, automatic or auto-loading shot-gun, which has not been Automatic shot-gun.

permanently plugged or altered so that it is incapable of holding a total of more than three shells at one time in the chamber and magazine.

1946, c. 33,
s. 57, subs. 2,
repealed.

(2) Subsection 2 of the said section 57 is repealed.

1946, c. 33,
amended.

18. *The Game and Fisheries Act, 1946* is amended by adding thereto the following sections:

Hunting
predatory
animals.

57a. Notwithstanding clause *a* of subsection 1 of section 56, section 56a and clause *d* of subsection 1 of section 57, predatory animals may be hunted from aircraft, motor cars or other vehicles in such areas and subject to such terms and conditions as may be permitted in writing by the Minister.

Removal of
records, etc.

62a. Where any seizure of game is made, any officer may remove to safe-keeping any books or records kept in accordance with the requirements of this Act or the regulations.

1946,
c. 33, s. 69,
amended.

19. Section 69 of *The Game and Fisheries Act, 1946*, as amended by section 18 of *The Game and Fisheries Amendment Act, 1948*, is further amended by striking out the word "or" at the end of clause *b*, by adding the word "or" at the end of clause *c* and by adding thereto the following clause:

returns.

(d) making of returns by licensees, the production of a return made by a licensee shall be *prima facie* evidence of the making of such return and the contents thereof.

1946, c. 33,
s. 70, subs. 1,
cl. *a*, re-
enacted.

20.—(1) Clause *a* of subsection 1 of section 70 of *The Game and Fisheries Act, 1946* is repealed and the following substituted therefor:

Deer, etc.

(a) deer, moose, caribou or wapiti shall incur a penalty,

(i) of not less than \$200 and not more than \$500 for each caribou or female moose the subject of the prosecution,

(ii) of not less than \$100 and not more than \$300 for each male moose the subject of the prosecution, or

(iii) of not less than \$50 and not more than \$200 for each deer or wapiti the subject of the prosecution.

(2) Clause *f* of subsection 1 of the said section 70 is repealed and the following substituted therefor: 1946, c. 33, s. 70, subs. 1, cl. *f*, re-enacted.

(*f*) musk-rat or their pelts shall incur a penalty of not less than \$5 and not more than \$25 for each musk-rat or pelt the subject of the prosecution; or Musk-rat.

(*g*) any fur-bearing animal upon which a royalty is levied under section 25 other than beaver, fisher, marten, musk-rat or otter, shall incur a penalty of not less than \$1 and not more than \$20 for each animal or pelt the subject of the prosecution. Fur-bearing animals—exception.

21.—(1) Clause *aa* of section 72 of *The Game and Fisheries Act, 1946*, as enacted by section 15 of *The Game and Fisheries Amendment Act, 1947*, is repealed and the following substituted therefor: 1946, c. 33, s. 72, cl. *aa* (1947, c. 40, s. 15), re-enacted.

(*aa*) respecting the issue of licences to trap fur-bearing animals on Crown lands, providing for the transfer of such licences, prescribing the conditions governing such transfers and dividing the Province or any part thereof into trap-line areas and designating such areas by identifying numbers and initials;

(*aaa*) respecting any licence issued under subsection 1*a* of section 10 and to provide limitations with respect to the area in which such licence shall be valid.

(2) Clause *d* of the said section 72 is repealed and the following substituted therefor: 1946, c. 33, s. 72, cl. *d*, re-enacted.

(*d*) authorizing townships or township organizations approved by the Minister to issue and charge fees for licences to hunt, during the open season, pheasants, rabbits and foxes and with the approval of the Minister to limit the number of such licences within the township or within the lands controlled by the township organizations.

(3) The said section 72 is further amended by adding thereto the following clauses: 1946, c. 33, s. 72, cl. *d*, amended.

(*ee*) governing the issue, form, refusal, suspension or cancellation of tourist outfitters' camp licences, prescribing specifications for such camps, the terms and conditions under which such camps may be erected, maintained and operated and providing for their inspection and classification and the registration of tourists and guides in such camps;

CHAPTER 38.

An Act to amend The High Schools Act.

*Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *f* of subsection 1 of section 1 of *The High Schools Act* is amended by striking out the word “over” in subs. 1, the second line and inserting in lieu thereof the word “in”, ^{cl. *f*, amended.} Rev. Stat., c. 360, s. 1. so that the clause shall read as follows:

(*f*) “High school district” shall mean the municipalities “High and parts of municipalities in which a board has ^{school} district.” jurisdiction.

(2) Clause *n* of subsection 1 of the said section 1 is repealed ^{Rev. Stat., c. 360, s. 1, subs. 1, cl. *n*, re-enacted.} and the following substituted therefor:

(*n*) “Separated town” shall mean a town separated for “Separated municipal purposes from the county in which it is ^{town.”} situate.

2. Subsection 6 of section 4 of *The High Schools Act*, as ^{Rev. Stat., c. 360, s. 1, subs. 6 (1947, c. 42, s. 1), amended.} re-enacted by section 1 of *The High Schools Amendment Act, 1947*, is amended by striking out the word “separated” in the third line, so that the subsection shall read as follows:

(6) The Lieutenant-Governor in Council may establish ^{Establishment of district in unorganized territory.} the whole or any part of an unorganized township or a town and the whole or any part of an unorganized township as a high school district.

3.—(1) Subsection 1 of section 11 of *The High Schools Act*, as amended by section 3 of *The High Schools Amendment Act, 1948*, is further amended by striking out the words “or in the county or municipality in the case of a county or of a district municipality appointment” in the third and fourth lines, so that the subsection shall read as follows:

(1) Any ratepayer of a municipality which, or any part ^{Qualifications of trustees.}

of which, is included in the high school district who is a British subject, has attained the age of twenty-one years, resides in the high school district or within five miles of the boundaries thereof, and who is not a member or officer of a municipal council or otherwise disqualified, shall be qualified as a high school trustee.

Rev. Stat.,
c. 360, s. 11,
amended.

(2) The said section 11 is further amended by adding thereto the following subsection:

County
appointees.

(1a) Notwithstanding subsection 1, in the case of an appointment by a county council, any ratepayer of a municipality in the county who resides in the county and is otherwise qualified under subsection 1 shall be qualified to be a high school trustee.

Rev. Stat.,
c. 360, s. 11,
subs. 3
(1946,
c. 37, s. 4),
repealed.

(3) Subsection 3 of the said section 11, as enacted by section 4 of *The High Schools Amendment Act, 1946*, is repealed.

Rev. Stat.,
c. 360, s. 13,
subs. 1
(1947,
c. 42, s. 2),
amended.

4.—(1) The first six lines of subsection 1 of section 13 of *The High Schools Act*, as re-enacted by section 2 of *The High Schools Amendment Act, 1947*, are amended by striking out the words “subject to *The Boards of Education Act*” in the third and fourth lines and inserting in lieu thereof the words “or one or more municipalities in a territorial district”, so that the first six lines of the subsection shall read as follows:

Appoint-
ment of
trustees,—

(1) Where a high school district comprises one or more municipalities not separated from the county for municipal purposes, or one or more municipalities in a territorial district, trustees shall be appointed by the council or councils of the municipality or municipalities included in the district as follows,—

.

Rev. Stat.,
c. 360, s. 13,
subs. 3
(1947,
c. 42, s. 2),
re-enacted.

(2) Subsection 3 of the said section 13 is repealed and the following substituted therefor:

Where city
or separated
town in-
cluded in
district.

(3) Where a high school district comprises a municipality or municipalities not separated from the county or counties for municipal purposes and a city or separated town, trustees shall be appointed by the council or councils of the municipality or municipalities not separated from the county or counties for municipal purposes as provided in subsection 1 and in addition the council of the city shall appoint six trustees, two of whom shall retire each year,

or the council of the separated town shall appoint three trustees, one of whom shall retire each year, as the case may be.

5. Subsection 1 of section 13a of *The High Schools Act*, Rev. Stat., c. 360, s. 13a as enacted by subsection 2 of section 8 of *The School Law* subs. 1 (1939, *Amendment Act, 1939*, is repealed and the following sub- c. 44, s. 8, subs. 2), stituted therefor: re-enacted.

(1) Where a majority of the members of a high school Additional trustees appointed by county councils. board or board of education favours the appointment of more than one trustee by a county council or councils, the board may,—

(a) where the whole of the high school district is situated within one county,

(i) request the council of the county to appoint three trustees instead of one, or

(ii) request the council or councils of not more than two adjoining counties each to appoint one trustee who shall hold office for one year; and

(b) where the high school district comprises two or more counties or parts thereof,

(i) request the council of the county having the largest population within the district according to the last revised assessment roll to appoint three trustees instead of one, or

(ii) request the council or councils of not more than two of the other counties within or partly within the district, each to appoint one trustee who shall hold office for one year.

6. Section 14, section 16 as amended by section 5 of *The High Schools Amendment Act, 1948*, and subsections 2, 3 and 4 of section 17 of *The High Schools Act*, are repealed. Rev. Stat., c. 360, ss. 14, 16, s. 17, subss. 2, 3, 4, repealed.

7. Subsection 1 of section 21 of *The High Schools Act* is repealed and the following substituted therefor: Rev. Stat., c. 360, s. 21, subs. 1, re-enacted.

(1) The first appointment of trustees of a new board shall be made, and vacancies arising from the annual retirement of trustees shall be filled, at the Time for appointment of trustees.

last regular meeting of the appointing body in the calendar year, and trustees shall take office on the 1st day of January in the following year.

Idem.

- (1a) Where the appointing body fails to appoint a trustee or trustees under subsection 1, it shall make the appointment at its next regular meeting.

Rev. Stat.,
c. 360, s. 23,
subs. 1,
amended.

8.—(1) Subsection 1 of section 23 of *The High Schools Act* is amended by striking out all the words after the word “duties” in the third line, so that the subsection shall read as follows:

Security to
be given by
treasurer and
secretary-
treasurer.

- (1) Every treasurer and every secretary-treasurer shall give security for the due and faithful performance of his duties.

Rev. Stat.,
c. 360, s. 23,
subs. 2,
re-enacted.

(2) Subsection 2 of the said section 23 is repealed and the following substituted therefor:

Bank
account.

- (2) Every treasurer and secretary-treasurer shall open an account in the name of the board in a chartered bank or in such other place of deposit as may be approved by the board, and shall deposit to the credit of such account all money received by him on account of the board.

Rev. Stat.,
c. 360, s. 24,
cl. n,
re-enacted.

9. Clause *n* of section 24 of *The High Schools Act*, as amended by subsection 2 of section 6 of *The School Law Amendment Act, 1943*, is repealed and the following substituted therefor:

Appoint-
ment and
removal of
teachers,
etc.
1946, c. 97.

- (*n*) subject to *The Teachers' Boards of Reference Act, 1946*, to appoint and remove such teachers, officers and servants as it may deem expedient, and to fix their salaries and prescribe their duties.

Rev. Stat.,
c. 360, s. 25,
subs. 2
(1947,
c. 42, s. 6),
amended.

10. Subsection 2 of section 25 of *The High Schools Act*, as enacted by section 6 of *The High Schools Amendment Act, 1947*, is amended by striking out the words “provided that no such allowance shall be paid in respect of more than eight meetings in any year” in the sixth, seventh and eighth lines and inserting in lieu thereof the words “and may pay to each trustee a sum not exceeding \$5 for each of not more than twelve meetings attended by such trustee in any one year”, so that the subsection shall read as follows:

Mileage
allowance
and fee for
attendance
at meetings.

- (2) The board of a high school district which comprises two or more municipalities or parts thereof may pay to each trustee a mileage allowance not exceeding seven cents for each mile necessarily travelled by

him in going to the meetings of the board from his home and in returning to his home, and may pay to each trustee a sum not exceeding \$5 for each of not more than twelve meetings attended by such trustee in any one year.

11. Section 34a as enacted by section 10 of *The School Law Amendment Act, 1939*, and section 37 as amended by section 8 of *The School Law Amendment Act, 1941*, of *The High Schools Act* are repealed. Rev. Stat., c. 360, s. 34a, (1939, c. 44, s. 10), s. 37, repealed.

12. Section 42 of *The High Schools Act*, as re-enacted by section 3 of *The High Schools Amendment Act, 1947 (No. 2)*, is amended by striking out the word, figure and letter "8a" in the seventeenth line and inserting in lieu thereof the word, figures and letters "8a or 8aa", so that the section shall read as follows: Rev. Stat., c. 360, s. 42, (1947, c. 43, s. 3), amended.

42. The council or councils of a municipality or municipalities comprising a high school district shall levy and collect each year and transfer to the board from time to time as required, but not later than the 15th day of December, such amount as the board may deem necessary for,— Rates.

- (a) maintenance of the high school or high schools within the jurisdiction of the board;
- (b) payment of fees of pupils legally attending other high schools, continuation schools or vocational schools; and
- (c) capital expenditures out of current revenue not exceeding \$5,000 or for such greater sum as may be authorized by the Ontario Municipal Board,

and such amount shall be apportioned and raised in the manner provided in subsection 8, 8a or 8aa, as the case may be, of section 43.

13. Section 43 of *The High Schools Act*, as amended by section 22 of *The School Law Amendment Act, 1938*, section 10 of *The High Schools Amendment Act, 1946* and section 4 of *The High Schools Amendment Act, 1947 (No. 2)*, is further amended by adding thereto the following subsection: Rev. Stat., c. 360, s. 43, amended.

- (8aa) Where a high school district comprises two or more adjoining municipalities or parts of two or more adjoining municipalities in a territorial district, each municipality shall be liable for such proportion Idem.

of the principal and interest payable under the debentures and of the expenses connected therewith as the assessment of the municipality or part, as the case may be, bears to the total assessment of the whole district, and the council of each municipality shall levy on the property rateable for school purposes in the municipality or part, as the case may be, and pay its proportion to the municipality that has issued the debentures, unless a greater obligation is assumed by one or more of the municipalities in which case the proportion to be paid by each shall be such as may be agreed upon.

Rev. Stat.,
c. 360, s. 44,
subs. 3
(1940,
c. 24, s. 2,
subs. 3),
repealed.

14. Subsection 3 of section 44 of *The High Schools Act*, as re-enacted by subsection 3 of section 2 of *The School Law Amendment Act, 1940*, is repealed.

Rev. Stat.,
c. 360, s. 47,
subs. 1, cl. *a*
(1938, c. 35,
s. 24,
subs. 1),
re-enacted.

15.—(1) Clause *a* of subsection 1 of section 47 of *The High Schools Act*, as re-enacted by subsection 1 of section 24 of *The School Law Amendment Act, 1938*, is repealed and the following substituted therefor:

(a) a resident pupil of the high school district by the board of which the school is established or maintained.

Rev. Stat.,
c. 360, s. 47,
subs. 1*a*
(1938, c. 35,
s. 24,
subs. 1),
re-enacted.

(2) Subsection 1*a* of the said section 47, as enacted by subsection 1 of section 24 of *The School Law Amendment Act, 1938* and amended by section 11 of *The School Law Amendment Act, 1941* and subsection 1 of section 14 of *The School Law Amendment Act, 1945*, is repealed and the following substituted therefor:

Fees pay-
able by
boards in
certain
cases.

(1*a*) Where a resident pupil of a high school district attends a high or continuation school under clause *b* of subsection 2 of section 48 or under subsection 3 of section 48, the board of the high school district of which he is a resident pupil shall pay fees to the board of the high or continuation school district whose school he attends, calculated in accordance with section 36, except that legislative grants shall not be deducted as provided in clause *c* of subsection 1 thereof.

Rev. Stat.,
c. 360, s. 47,
subs. 2,
amended.

(3) Subsection 2 of the said section 47, as amended by subsection 2 of section 24 of *The School Law Amendment Act, 1938*, is further amended by adding at the end thereof the words "for the preceding calendar year", so that the subsection shall read as follows:

When fees
may be
charged.

(2) Pupils other than county pupils and the pupils referred to in subsections 1 and 1*a* attending a high school shall pay such fees as the board may prescribe, but such fees shall not be greater than

the average cost per pupil for education in the high school for the preceding calendar year.

16. Section 48 of *The High Schools Act*, as amended by Rev. Stat., c. 360, s. 48, re-enacted. section 25 of *The School Law Amendment Act, 1938*, is repealed and the following substituted therefor:

48.—(1) A county pupil shall have the right to attend Right to attend schools,— any high or continuation school in the county of county pupils; which he is a county pupil.

(2) A resident pupil of a high school district in a county resident pupils in counties; shall have the right to attend,—

(a) a high school in the district of which he is a resident pupil; or

(b) any high or continuation school which is more accessible to the pupil than any high school in his own district or provides a course of study not offered in his own district, and which is situated,

(i) in his own county, outside of a city or separated town, or

(ii) in an adjoining county or in a city or separated town in his own or an adjoining county where the school is declared open to such pupils.

(3) A resident pupil of a high school district in a territorial district shall have the right to attend any resident pupils in territorial districts; high or continuation school in Ontario which is more accessible to the pupil than any high school in his own school district or provides a course of study not offered in his own school district.

(4) A non-resident pupil may attend any high school at non-resident pupils. the discretion of the board.

(5) In this section "course of study" means subjects "Course of study" defined. which are sufficient for the granting of any type of secondary school graduation diploma provided for in the regulations.

17. Subsection 1 of section 56 of *The High Schools Act* is Rev. Stat., c. 360, s. 56, subs. 1, re-enacted. repealed and the following substituted therefor:

(1) A memorandum of every contract of employment Memorandum of contract. between a board and a teacher shall be made in

Proviso. writing in the form of contract prescribed by the regulations, signed by the parties, sealed with the seal of the board and executed before the teacher enters upon his duties, but if for any reason such memorandum is not so made every contract shall be deemed to include the terms and conditions contained in the prescribed form of contract.

Salary of teacher. (1a) Unless otherwise expressly agreed, a teacher shall be entitled to be paid his salary in the proportion which the total number of days during which he teaches bears to the whole number of teaching days in the year.

**Commence-
ment of Act.** **18.**—(1) This Act, except sections 15 and 16, shall come into force on the day it receives the Royal Assent.

Idem. (2) Sections 15 and 16 shall be deemed to have come into force on the 1st day of January, 1949.

Short title. **19.** This Act may be cited as *The High Schools Amendment Act, 1949*.

CHAPTER 39.

An Act to amend The Highway Improvement Act.

Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 49 of *The Highway Improvement Act*, as re-enacted by section 23 of *The Highway Improvement Amendment Act, 1944* and amended by section 6 of *The Highway Improvement Amendment Act, 1945*, is repealed and the following substituted therefor:

49. Notwithstanding section 48 the Minister, having regard to the economic condition of the township and the adequacy of its plan of road improvement, may direct payment to the township treasurer out of the Fund of such amount as he may deem requisite, provided that aid so granted may,—

(a) in the case of a bridge, be any percentage up to one hundred per centum; and

(b) in the case of any other road improvement, any percentage up to eighty per centum,

of the amount of the expenditure which is properly chargeable to road improvement.

2. Section 52h of *The Highway Improvement Act*, as enacted by subsection 1 of section 9 of *The Highway Improvement Amendment Act, 1947* and amended by section 2 of *The Highway Improvement Amendment Act, 1948*, is repealed.

3. Subsection 2 of section 52i of *The Highway Improvement Act*, as enacted by subsection 1 of section 9 of *The Highway Improvement Amendment Act, 1947*, is repealed and the following substituted therefor:

(2) Upon receipt of such statement, declarations and petition and the approval thereof by the proper officer of the Department, the Minister may direct

payment to the treasurer of the municipality out of the Fund of an amount equal to,—

(a) in the case of a city or separated town, thirty-three and one-third per centum; and

(b) in all other cases, fifty per centum,

of the amount of the expenditure which is properly chargeable to road improvement and where there is any doubt or dispute the decision of the Minister shall be final.

Rev. Stat.,
c. 56, s. 66,
subss. 5, 6,
re-enacted.

4. Subsections 5 and 6 of section 66 of *The Highway Improvement Act* are repealed and the following substituted therefor:

Cost of
work.

(5) The agreement may provide that a proportion of the cost of the work shall be paid out of the Fund and the remainder shall be borne and paid by the town or village but the proportion which shall be paid out of the Fund shall not exceed,—

(a) in the case of a town or village having a population of not more than 2,500, a sum equal to the cost of a width of roadway not less than twenty-two feet nor more than the width of the roadway on the King's Highway approaching the town or village where such width exceeds twenty-two feet; and

(b) in the case of a town or village having a population of more than 2,500, a sum equal to fifty per centum of the cost of a width of roadway not less than twenty-two feet nor more than thirty-three feet.

Jurisdiction
unchanged.

(6) A road shall not, by reason of its having been constructed or improved under this section, become or be the property of the Crown, but every such road shall remain under the jurisdiction of the council of the municipality in which it is situate.

Commence-
ment of Act.

5. This Act shall be deemed to have come into force on the 1st day of January, 1949.

Short title.

6. This Act may be cited as *The Highway Improvement Amendment Act, 1949*.

CHAPTER 40.

An Act to amend The Highway Traffic Act.

*Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1 of *The Highway Traffic Act*, as amended by section 1 of *The Highway Traffic Amendment Act, 1942*, section 1 of *The Highway Traffic Amendment Act, 1947* and section 1 of *The Highway Traffic Amendment Act, 1948*, is further amended by re-lettering the present clause *cc* as clause *ccc* and by adding thereto the following clauses:

(cc) "Farm tractor" shall mean a self-propelled vehicle designed and used primarily as a farm implement for drawing ploughs, mowing-machines and other implements of husbandry and not designed or used for carrying a load;

.

(nnn) "Road-building machine" shall mean a self-propelled vehicle designed and used primarily in connection with the building or maintaining of highways and not designed or used for carrying a load.

(2) Clause *i* of subsection 1 of the said section 1 is amended by inserting after the word "engine" in the sixth line the words "farm tractor or road-building machine", so that the clause shall read as follows:

(i) "Motor vehicle" shall include automobile, motor bicycle, and any other vehicle propelled or driven otherwise than by muscular power; but shall not include the cars of electric or steam railways, or other motor vehicles running only upon rails, or a traction engine, farm tractor or road-building machine within the meaning of this Act.

Rev. Stat.,
c. 288, s. 1,
subs. 1, cl. r,
amended.

- (3) Clause *r* of subsection 1 of the said section 1 is amended by inserting after the word "engine" in the second line the words "farm tractor, road-building machine", so that the clause shall read as follows:

"Vehicle".

- (*r*) "Vehicle" shall include motor vehicle, trailer, traction engine, farm tractor, road-building machine and any vehicle drawn, propelled, or driven by any kind of power, including muscular power, but not including the cars of electric or steam railways running only upon rails.

Rev. Stat.,
c. 288, s. 10,
subs. 4,
amended.

- 2.—(1) Subsection 4 of section 10 of *The Highway Traffic Act*, as amended by subsection 1 of section 2 of *The Highway Traffic Amendment Act, 1939*, is further amended by striking out all the words after the word "power" in the second line, so that the subsection shall read as follows:

Strength of
front lamps.

- (4) No motor vehicle shall carry on the front thereof more than four lighted lamps of over four candle power.

Rev. Stat.,
c. 288, s. 10,
subs. 5a
(1939, c. 20,
s. 2, subs. 2),
amended.

- (2) Subsection 5a of the said section 10, as enacted by subsection 2 of section 2 of *The Highway Traffic Amendment Act, 1939* and amended by section 2 of *The Highway Traffic Amendment Act, 1940*, is further amended by inserting after the word "green" in the fifth line the words "but in the case of a public vehicle amber", so that the subsection shall read as follows:

Identifica-
tion lamps.

- (5a) Whenever on a highway outside a city, town or village after dusk and before dawn every motor vehicle or combination of vehicles having a length in excess of thirty feet or a width in excess of eighty inches shall carry three lamps displaying green, but in the case of a public vehicle amber, lights at the front and three lamps displaying red lights at the rear and the lights of each colour shall be evenly placed not less than six nor more than twelve inches apart along a horizontal line as near the top of the vehicle or combination of vehicles as the permanent structure of the vehicle permits and shall be visible for distances of five hundred feet from the front and rear respectively of the vehicle or combination of vehicles.

Rev. Stat.,
c. 288, s. 10,
subs. 12,
amended.

- (3) Subsection 12 of the said section 10 is amended by inserting after the word "vehicle" in the first line the words "other than a commercial motor vehicle", so that the subsection shall read as follows:

- (12) A motor vehicle, other than a commercial motor vehicle, while standing upon any highway at such times as lights are required by the provisions of this section for such vehicle may, in lieu of the lighting equipment specified in this section, show one light carried on the left side of the car in such a manner as to be clearly visible to the front and rear for a distance of at least two hundred feet and to show white to the front and red to the rear of the vehicle; provided, however, that such light shall not be displayed while the motor vehicle is in motion.

Parking
lights.

(4) Subsection 16 of the said section 10, as amended by subsection 2 of section 1 of *The Highway Traffic Amendment Act, 1941*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 288, s. 10,
subs. 16,
re-enacted.

- (16) No motor vehicle shall be equipped with more than one spotlamp and every lighted spotlamp shall be so directed, upon approaching or upon the approach of another vehicle, that no part of the high intensity portion of the beam from such lamp will be directed to the left of the prolongation of the extreme left side, nor more than one hundred feet ahead, of the vehicle to which it is attached.

Spotlamps.

3. Section 10a of *The Highway Traffic Act*, as enacted by section 2 of *The Highway Traffic Amendment Act, 1946*, is amended by inserting after the word "shall" in the second line the words "unless it is equipped with a mechanical or electrical signal device which has been approved by the Department", so that the section shall read as follows:

Rev. Stat.,
c. 288, s. 10a
(1946, c. 39,
s. 2),
amended.

- 10a. Every vehicle which is equipped with a right hand drive shall, unless it is equipped with a mechanical or electrical signal device which has been approved by the Department, have prominently displayed on the rear thereof in bold face letters of not less than two inches in height and of a colour which is in contrast to that of the vehicle, the words—

Vehicles
with right
hand drive.

"RIGHT HAND DRIVE VEHICLE".

4.—(1) Section 12 of *The Highway Traffic Act* is amended by adding thereto the following subsection:

Rev. Stat.,
c. 288, s. 12,
amended.

- (1a) Every motor vehicle and every trailer shall be equipped with mudguards or fenders adequate to reduce effectively the wheel spray or splash of water from the roadway to the rear thereof, unless adequate protection is afforded by the body of the motor vehicle or trailer or by a trailer drawn by the motor vehicle.

Mudguards.

Rev. Stat.,
c. 288, s. 12,
subs. 2,
amended.

(2) Subsection 2 of the said section 12 is amended by inserting after the figure "1" in the second line the word, figure and letter "or 1a", so that the subsection shall read as follows:

Penalty.

(2) Any person who violates any of the provisions of subsection 1 or 1a shall incur, for the first offence, a penalty of not more than \$5; for the second offence, a penalty of not less than \$5 and not more than \$10, and for any subsequent offence a penalty of not less than \$10 and not more than \$25, and in addition, his license or permit may be suspended for any period not exceeding thirty days.

Rev. Stat.,
c. 288, s. 17,
subs. 3,
re-enacted.

5. Subsection 3 of section 17 of *The Highway Traffic Act* is repealed and the following substituted therefor:

Trailers.

(3) No trailer or other object or device shall be drawn by a motor vehicle on a highway unless such trailer, object or device has two separate means of attachment so constructed and attached that the failure of one such means will not permit the trailer, object or device to become detached; but this subsection shall not apply to a trailer so designed and used that part of its own weight and of its own load rests upon or is carried by another vehicle.

Rev. Stat.,
c. 288, s. 38,
subs. 1,
amended.

6. Subsection 1 of section 38 of *The Highway Traffic Act* is amended by striking out the word "body" in the third line and inserting in lieu thereof the word "vehicle", so that the subsection shall read as follows:

Name, etc.,
of owner to
be displayed
on vehicle.

(1) Every commercial motor vehicle and every trailer drawn by it shall have attached to or painted on both sides of the vehicle in a clearly visible position a sign showing the name and address of the owner, provided that the Department may by regulation designate any vehicle or classes of vehicles to which the provisions of this subsection shall not apply.

Rev. Stat.,
c. 288, s. 49,
subs. 1, 2,
amended.

7.—(1) Subsections 1 and 2 of section 49 of *The Highway Traffic Act*, as amended by section 6 of *The Highway Traffic Amendment Act, 1943*, are amended by adding at the end thereof the words "or farm tractor on a highway", so that the subsections shall read as follows:

Drivers
under 15
prohibited.

(1) No person under the age of fifteen years shall drive or operate a motor vehicle or farm tractor on a highway.

- (2) No person shall employ or permit anyone under the age of fifteen years to drive or operate a motor vehicle or farm tractor on a highway. Employment of drivers under 15 prohibited.

(2) The said section 49 is further amended by adding thereto the following subsection: Rev. Stat., c. 288, s. 49, amended.

- (2a) Subsections 1 and 2 shall not apply in respect of the driving or operating of a farm tractor directly across a highway. Exception.

8. Subsection 1 of section 56 of *The Highway Traffic Act*, as re-enacted by section 10 of *The Highway Traffic Amendment Act, 1938* and amended by section 10 of *The Highway Traffic Amendment Act, 1939*, is further amended by inserting after the word "time" in the thirteenth line the words "owned by or" and by inserting after the word "or" where it occurs the first time in the fourteenth line the words "owned by or registered", so that the subsection shall read as follows: Rev. Stat., c. 288, s. 56, subs. 1 (1938, c. 17, s. 10), amended.

- (1) In the event of,—

Impounding motor vehicle.

- (a) a conviction under section 23 or 67 of this Act or subsection 4 or 8 of section 285 of the *Criminal Code*; or
- (b) a second conviction under section 45; or
- (c) a third conviction under section 3, 19, 27, 28, 49 or 72, or any of them,

the motor vehicle driven by or under the care or control of the person convicted at the time of the commission of the offence or last offence, as the case may be, shall be seized, impounded and taken into custody of the law for a period of three months, provided such motor vehicle was at such time owned by or registered in the name of such person, or owned by or registered in the name of the husband, wife, parent or dependent child of such person.

9. Section 93b of *The Highway Traffic Act*, as enacted by subsection 1 of section 16 of *The Highway Traffic Amendment Act, 1947* and amended by section 5 of *The Highway Traffic Amendment Act, 1948*, is further amended by adding thereto the following subsection: Rev. Stat., c. 288, s. 93b (1947, c. 45, s. 16, subs. 1), amended.

- (7) Where, by reason of an action having been maintained in part by an insurer, an order made under this section directs payment out of the Fund of only part of the amount of the judgment obtained Idem.

in the action, the Minister shall not pay out of the Fund more than that part of the party and party costs of the action which bears the same proportion to the whole of such costs as the part of the judgment directed to be paid out of the Fund bears to the total amount of the judgment.

Rev. Stat.,
c. 288, s. 93bb
(1948, c. 39,
s. 6),
amended. **10.** Section 93bb of *The Highway Traffic Act*, as enacted by section 6 of *The Highway Traffic Amendment Act, 1948*, is amended by adding thereto the following subsection:

Re-opening
pleadings.

- (3) Where pleadings have been noted closed, the Minister may, upon giving notice to the registrar, local registrar or clerk of the court that he intends to defend the action on behalf of and in the name of the defendant, re-open the pleadings upon praecipe.

Rev. Stat.,
c. 288, s. 93c
(1947, c. 45,
s. 16, subs. 1),
amended. **11.** Section 93c of *The Highway Traffic Act*, as enacted by subsection 1 of section 16 of *The Highway Traffic Amendment Act, 1947*, is amended by adding thereto the following subsections:

Lodging
with court.

- (2) Upon lodging a copy of the assignment of judgment, certified by the Registrar of Motor Vehicles to be a true copy, with the registrar, local registrar or clerk, as the case may be, of the court in which the judgment was obtained, the Minister shall, to the extent of the amount of the assignment, be deemed to be the judgment creditor.

Lodging with
sheriff.

- (3) Where execution is issued in the name of the judgment creditor and a copy of the assignment of judgment certified as prescribed in subsection 2 is lodged with the sheriff having the writ of execution, the provisions of subsection 2 shall apply *mutatis mutandis*.

Rev. Stat.,
c. 288, s. 93e,
subs. 1 (1947,
c. 45, s. 16,
subs. 1),
amended. **12.—**(1) Subsection 1 of section 93e of *The Highway Traffic Act*, as enacted by subsection 1 of section 16 of *The Highway Traffic Amendment Act, 1947*, is amended by inserting after the word "or" in the first line and where it occurs the second time in the sixth line respectively the word "personal", so that the subsection, exclusive of the clauses, shall read as follows:

Where
identity
of vehicle
cannot be
established.

- (1) Where the death of or personal injury to any person is occasioned in Ontario by a motor vehicle but the identity of the motor vehicle and of the driver and owner thereof cannot be established, any person who would have a cause of action against the owner or driver in respect of such death or personal injury

may, upon notice to the Registrar, apply by way of originating notice,—

.

(2) Subsection 2 of the said section 93e, as amended by subsection 1 of section 7 of *The Highway Traffic Amendment Act, 1948*, is further amended by inserting after the word "or" in the third line of clause *a* the word "personal" and by striking out the words "have not been" in the second line of clause *c* and inserting in lieu thereof the words "cannot be", so that the subsection shall read as follows:

(2) Where the judge is satisfied that,—

(a) the applicant would have a cause of action against the owner or driver of the motor vehicle in respect of the death or personal injury occasioned by the motor vehicle;

(b) all reasonable efforts have been made to ascertain the identity of the motor vehicle and of the owner and driver thereof;

(c) the identity of the motor vehicle and the owner and driver thereof cannot be established; and

(d) that the application is not made by or on behalf of an insurer in respect of any amount paid or payable by reason of the existence of a policy of automobile insurance within the meaning of *The Insurance Act* and that no part of the amount sought to be recovered in the intended action is sought in lieu of making a claim or receiving a payment which is payable by reason of the existence of a policy of automobile insurance within the meaning of *The Insurance Act* and that no part of the amount so sought will be paid to an insurer to reimburse or otherwise indemnify such insurer in respect of any amount paid or payable by it by reason of the existence of a policy of automobile insurance within the meaning of *The Insurance Act*,

Order for
action
against
Registrar.

Rev. Stat.,
c. 256.

he may make an order permitting the applicant to bring an action against the Registrar.

(3) Subsection 3 of the said section 93e, as enacted by subsection 2 of section 7 of *The Highway Traffic Amendment Act, 1948*, is amended by inserting after the word "or" in the first line the word "personal", so that the subsection shall read as follows:

Rev. Stat.,
c. 288, s. 93e,
subs. 3 (1948,
c. 39, s. 7,
subs. 2),
amended.

Where
owner
known.

- (3) Where the death or personal injury is occasioned at a time when the motor vehicle is without the owner's consent in the possession of some person other than the owner or his chauffeur, the application shall be disposed of in the same manner as though the identity of the owner had not been established.

Rev. Stat.,
c. 288, s. 93f
(1947, c. 45,
s. 16,
subs. 1),
amended.

13. Section 93f of *The Highway Traffic Act*, as enacted by subsection 1 of section 16 of *The Highway Traffic Amendment Act, 1947*, is amended by adding thereto the following subsection:

General
denial.

- (2) The Registrar may deny generally the allegations contained in the statement of claim and shall not be required to set forth the facts upon which he relies.

Rev. Stat.,
c. 288,
amended.

14. *The Highway Traffic Act* is amended by adding thereto the following section:

What judg-
ment not to
include.

93fff. A judgment against the Registrar shall not include any amount for compensation or indemnity for damages in respect of which the plaintiff has received or is entitled to receive compensation or indemnity from any person other than the driver or owner of the motor vehicle which occasioned the personal injury or death.

Commence-
ment of Act.

15.—(1) This Act, except section 4, shall come into force on the day it receives the Royal Assent.

Idem.

(2) Section 4 shall come into force on the 1st day of January, 1950.

Short title.

16. This Act may be cited as *The Highway Traffic Amendment Act, 1949*.

CHAPTER 41.

The Homes for the Aged Act, 1949.

*Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpreta-
tion,—

- (a) "Minister" means Minister of Public Welfare; "Minister";
- (b) "district" means territorial district; "district";
- (c) "municipality" means city, county or separated town, but in a territorial district municipality means city, town, village or township; and "municipality";
- (d) "board" means board of management. 1947, c. 46, "board". s. 1, *amended*.

2.—(1) Except as otherwise provided, every municipality not in a district shall establish, erect and maintain to the satisfaction of the Minister, a home for the aged. Homes in counties, etc.

(2) In lieu of establishing separate homes for the aged, the councils of two or three contiguous municipalities not in a district may, with the approval in writing of the Minister, enter into an agreement for the establishment, erection and maintenance of, and may establish, erect and maintain a joint home for the aged. Joint homes. 1947, c. 46, s. 2, *amended*.

3.—(1) When a by-law authorizing the same has been passed in a majority of the municipalities in any district, a home for the aged shall be established, erected and maintained by all the municipalities in the district. Homes in districts.

(2) When by-laws authorizing the same have been passed in a majority of the municipalities in two or more contiguous districts a joint home for the aged may be established, erected and maintained by all the municipalities in such contiguous districts. Joint homes.

(3) When by-laws under this section have been passed, certified copies thereof shall be transmitted forthwith to the Minister. Transmission of by-laws.

How
composed.

(4) The Lieutenant-Governor in Council may appoint a board which shall be a corporation and shall consist of five persons resident in the district, and in the case of contiguous districts agreeing to join in a joint home for the aged the board shall consist of three persons resident in each of the districts.

Site for
home.

(5) The board shall select the site for the home for the aged.

Powers of
boards.

(6) The board shall have charge of the home for the aged. 1947, c. 31, ss. 2-7, *amended*.

Site and
plans,—
approval of;

4.—(1) A home for the aged shall not be erected until the site and plans of the building have been approved by the Minister.

not to be
changed.

(2) There shall be no change in site, and no sale or disposal of any portion thereof and no structural alteration in the building without the approval of the Minister. 1947, c. 46, s. 4, *amended*.

Agreements
with
contiguous
municipi-
palities for
care of
persons.

5. Notwithstanding sections 2 and 3 the council of any municipality not having a home for the aged or a joint home for the aged may, with the approval of the Minister, enter into an agreement with the council of any municipality having a home for the aged or the councils of any municipalities having a joint home for the aged or the board of any home for the aged in a district, respecting the admission thereto and the maintenance therein of residents of the municipality coming within the classes of persons mentioned in section 11. *New*.

Appointment
of superin-
tendents.

6.—(1) The council of a municipality that establishes, erects and maintains a home for the aged shall, with the approval of the Lieutenant-Governor in Council, appoint a superintendent therefor.

Idem.

(2) Where a joint home for the aged is established, erected and maintained, or where a home for the aged is established, erected and maintained in a district, the board shall, with the approval of the Lieutenant-Governor in Council, appoint a superintendent therefor.

Appointment
of staff.

(3) The council of the municipality having a home for the aged or the board of a home for the aged in a district shall appoint such staff as the superintendent may require for the due carrying out of his duties. 1947, c. 46, s. 7, *amended*.

Agreements
for extending
sewerage
system to
homes for
the aged.

7.—(1) The council of a municipality having a home for the aged or the board of a home for the aged in a district may enter into agreements with the council of any municipality for connecting the home for the aged with the sewerage system of such municipality.

(2) The council of a municipality having a home for the aged or the board of a home for the aged in a district may enter into agreements with The Hydro-Electric Power Commission of Ontario or with the council of any municipality or person owning or operating a waterworks system, or works for the production and supply of electricity for light, heat or power, for the supply of water for domestic purposes and for fire protection or of electricity for light, heat or power purposes at the home for the aged.

Contracts for supplying water, electric light and power.

(3) For the purpose of connecting such home for the aged with any such system or works, any lands or highways may be entered upon, passed over or dug up, sewers constructed, pipes laid down, poles or wires put in place and all work done in or upon such lands and highways as may be necessary, due compensation being made to the owners thereof as provided by *The Municipal Act*.

Power to carry necessary works over intervening lands.

Rev. Stat., c. 266.

(4) Where two or more municipalities have established a joint home for the aged, they shall have, in respect of such home, all the powers conferred by this section upon the council of a municipality or board. 1947, c. 46, s. 9, *amended*.

Powers of municipalities, acting jointly.

8. Subject to the approval of the Ontario Municipal Board, any municipality may issue debentures for raising such sums as may be necessary for the purchase of a site or the erection of buildings for a home for the aged, or the purchase of land to be used in connection therewith, or for any addition to or improvement of such buildings, or for the purpose of any system or works authorized by section 7. 1947, c. 46, s. 10, *amended*.

Debentures.

9.—(1) The council of a municipality having a home for the aged or the board of a home for the aged in a district shall provide such equipment and materials as will enable the residents of the home for the aged to engage in handicrafts and other such occupations.

Equipment, etc.

(2) Upon a legally qualified medical practitioner certifying that any resident of a home for the aged is physically able to engage in household, farm or other work in or about the home for the aged, the superintendent thereof may encourage the resident to engage in such work. *New*.

Work.

(3) A magistrate may, by writing under his hand, commit any person who is over sixty years of age and who is unable to care properly for himself to a home for the aged. 1947, c. 46, s. 14 (1), *amended*.

Committal to home.

(4) Any person coming within any of the classes mentioned in section 11 may be admitted to a home for the aged by the superintendent upon receipt of,—

Requirement for admission.

- (a) an authorization in the prescribed form signed by the head of a municipality or, where there is a welfare unit, by the administrator or, in a district where there is no welfare unit and where the person resides in unorganized territory, by the provincial welfare administrator of the district;
- (b) an application in the prescribed form, signed by the person to be admitted;
- (c) a statement in the prescribed form, signed by the welfare officer of the municipality or district; and
- (d) a statement in the prescribed form, signed by a legally qualified medical practitioner designated by the municipality having the home for the aged or board of a home for the aged in a district, as the physician for the home for the aged. *New.*

Reimburse-
ment for
maintenance
cost.

10.—(1) An applicant for admission to a home for the aged or a resident therein or any person on his behalf may reimburse the municipality or the board, if the home for the aged is in a district, in whole or in part for his maintenance.

Recovery of
maintenance
cost.

(2) Any municipality having a home for the aged or the board of any home for the aged in a district shall be entitled to recover out of the estate of any deceased resident of the home, as a debt due by the resident to such municipality or board, the net cost of the maintenance of the resident while he resided in the home. 1947, c. 46, s. 12 (3), *amended.*

Who may be
admitted.

11. The classes of persons who may be admitted to a home for the aged shall be,—

- (a) anyone over the age of sixty years who is incapable of supporting himself, or unable to care properly for himself;
- (b) anyone who is mentally incompetent and ineligible for committal to an institution under *The Mental Hospitals Act*, who requires care, supervision and control for his protection;
- (c) anyone over the age of sixty years who is confined to bed but does not require care in a public hospital or hospital for incurables; or
- (d) anyone under the age of sixty years who because of special circumstances cannot be cared for adequately elsewhere when his admission has been approved by the Minister. *New.*

Rev. Stat.,
c. 392.

12.—(1) For the purposes of this Act an applicant for ^{Residence.} admission to a home for the aged shall be deemed to be a resident of a municipality if he has resided therein for a period of twelve consecutive months.

(2) If for any cause a person was deprived of his liberty ^{Idem.} the period of detention shall not be counted in determining the period of residence under subsection 1. 1947, c. 46, s. 15, *amended*.

(3) If a person was absent due to seasonal employment for ^{Idem.} a period of not more than six months in any year, that period shall not be counted in determining the period of residence under subsection 1. *New*.

13.—(1) The cost of establishing, erecting and maintaining ^{Cost of homes in districts.} a home for the aged in a district shall be defrayed by the municipalities in the district in proportion to the amount of their assessments according to the last revised assessment rolls. 1947, c. 31, s. 11 (1), *amended*.

(2) The Lieutenant-Governor in Council may direct pay ^{Provincial subsidy.} ment out of the Consolidated Revenue Fund of such amount to defray the cost of establishing and erecting a home for the aged in a district as he may determine in accordance with the regulations and based upon the proportion of such cost that is allocated to the unorganized portions of the district.

(3) The board shall apportion the amount that it estimates ^{Raising of estimated amounts.} will be required to establish and erect a new home for the aged or an addition to or extension of an existing home for the aged among the municipalities in the district and notify the clerk of each such municipality of the amount to be provided and each such municipality shall raise the sum so required to be provided.

(4) The board shall in each year apportion the amount ^{General operating expenses.} that it estimates will be required to defray the expenditures for that year among the municipalities in the district, and shall on or before the 31st day of January notify the clerk of each such municipality of the amount to be provided and each such municipality shall include such amount in its estimates for the then current year and levy and collect such amount in like manner as taxes are levied and collected and shall pay such amount to the board on demand. *New*.

14.—(1) When the Minister has approved the plans for a ^{Provincial subsidy on new buildings, etc.} new building to be used as a home for the aged or for an addition to or an extension of an existing home for the aged, the Lieutenant-Governor in Council may direct payment out of the Consolidated Revenue Fund to the municipality or board, as the case may be, responsible for the home of an amount not exceeding fifty per centum of the cost thereof to the municipality, or the municipalities in the district. 1947, c. 46, s. 19, *amended*.

When payable.

(2) Payments under subsection 1 may be made either when the home for the aged or the addition or extension thereto is completed and ready for occupancy or from time to time during construction thereof as may be deemed expedient. *New.*

Provincial subsidy on operating costs.

15. There shall be paid out of such moneys as may be voted therefor by the Legislature to every municipality having a home for the aged and every board of a home for the aged in a district an amount equal to one-half of the amount paid out by the municipality or board for the operation and maintenance of the home for the aged, computed in the manner prescribed by the regulations. *New.*

Provincial subsidy for residents of unorganized territory.

16. There shall be paid out of such moneys as may be voted therefor by the Legislature to every municipality having a home for the aged and every board of a home for the aged in a district an amount per day computed in the manner prescribed in the regulations as the cost of maintenance for each person whose residence before admission to the home for the aged was in unorganized territory. *New.*

Regulations.

17. The Lieutenant-Governor in Council may make regulations,—

- (a) prescribing the manner of establishing boards;
- (b) governing the qualifications of superintendents and members of staffs of homes for the aged and prescribing their powers and duties;
- (c) prescribing rules governing homes for the aged, the residents therein and the staffs thereof;
- (d) prescribing the records that shall be kept under this Act and prescribing the returns that shall be made to the Minister;
- (e) designating the medical services that shall be provided for residents of homes for the aged;
- (f) prescribing the manner of computing the cost of maintenance of homes for the aged;
- (g) prescribing the manner of computing the proportion of the cost of construction of homes for the aged in districts which shall be allocated to the unorganized portions of the districts;
- (h) providing for the admission to homes for the aged of residents of unorganized territory and prescribing the manner of computing the cost of maintenance of such persons in homes for the aged;

- (i) prescribing the forms to be used under this Act; and
- (j) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. *New.*

18. *The District Homes for the Aged Act, 1947, The Homes for the Aged Act, 1947* and sections 2 and 3 of *The Statute Law Amendment Act, 1948* are repealed. ^{1947, cc. 31, 46; 1948, c. 87, ss. 2, 3, repealed.}

19. This Act may be cited as *The Homes for the Aged Act, 1949*. Short title.

CHAPTER 42.

An Act to amend The Hospitals Aid Act, 1948.

*Assented to April 1st, 1949.**Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 2 of section 2 of *The Hospitals Aid Act, 1948* is repealed and the following substituted therefor: ^{1948, c. 40, s. 2, cl. *a*, re-enacted.}

(a) all moneys appropriated by the Legislature for,

(i) aid to hospitals, and

(ii) grants by way of provincial aid to sanatoria;
and

.

2. *The Hospitals Aid Act, 1948* is amended by adding thereto the following section: ^{1948, c. 40, amended.}

3a. Notwithstanding the provisions of this Act, the moneys in the Fund may be disbursed as grants by way of provincial aid to any sanatorium approved under *The Sanatoria for Consumptives Act, 1947* or for such other purposes as are mentioned in section 44 of that Act. ^{Grants to sanatoria authorized. 1947, c. 97.}

3. This Act shall come into force on the day it receives the Royal Assent. ^{Commencement of Act.}

4. This Act may be cited as *The Hospitals Aid Amendment Act, 1949*. ^{Short title.}

CHAPTER 43.

An Act to suspend The Income Tax Act (Ontario).

Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Notwithstanding any of the provisions of *The Income Tax Act* (Ontario) and amendments, no tax shall be levied under the said Act on income of the calendar year nineteen hundred and forty-nine and no person shall be required, without a notice or demand in writing from the Comptroller of Revenue or the Commissioner of Income Tax of Canada, or an officer of the Government of Canada on behalf of the Government of Ontario or an officer of the Government of Ontario authorized to make such demand, to file returns under the said Act of income earned during the calendar year nineteen hundred and forty-nine, but nothing herein contained shall affect any of the provisions of the said Act with respect to the income of any person earned prior to the calendar year nineteen hundred and forty-one.

The Personal income tax suspended. Rev. Stat., c. 25.

(2) The provisions of section 33 of *The Income Tax Act* (Ontario) requiring any person to deliver a return upon notice or demand in writing, and the provisions of sections 41, 42, 43, 44 and 45 of the said Act shall remain in full force and effect notwithstanding this Act.

Returns under Rev. Stat., c. 25.

2. This Act shall come into force on the day it receives the Royal Assent.

Commencement of Act.

3. This Act may be cited as *The Income Tax Suspension Act, 1949.*

Short title.

CHAPTER 44.

An Act to amend The Industrial Standards Act.

*Assented to March 9th, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause g of section 1 of *The Industrial Standards Act* Rev. Stat., c. 191, s. 1, cl. g, repealed. is repealed.
2. Section 4 of *The Industrial Standards Act* is amended Rev. Stat., c. 191, s. 4, amended. by adding thereto the following subsection:
 - (3) Where the Minister designates a zone for an inter-provincially competitive industry the zone shall, notwithstanding subsections 1 and 2, be the whole of Ontario and any schedule for the industry may provide for different wages and hours and days of labour for different areas within the zone. Interprovincially competitive industries.
3. Subsection 1 of section 17 of *The Industrial Standards Act* is amended by striking out the words "*The Industrial Disputes Investigation Act*" in the fourth line, so that the subsection shall read as follows: Rev. Stat., c. 191, s. 17, subs. 1, amended.
 - (1) The provisions of *The Factory, Shop and Office Building Act*, *The Master and Servant Act*, *The Minimum Wage Act*, *The Public and Other Works Wages Act*, *The Wages Act* and *The Woodsmen's Employment Act*, shall be read and construed subject to the provisions of this Act, but in no case shall the wages prescribed by any schedule to this Act be for a less amount nor shall the hours of labour prescribed by any schedule to this Act be for a greater number of hours in each day or days in each week than is prescribed by any of such Acts. Application of other Acts. Rev. Stat., cc. 194, 197, 190, 198, 196, 202.
4. This Act, except section 2, shall come into force on the day it receives the Royal Assent, and section 2 shall be deemed to have come into force on the 1st day of November, 1938. Commencement of Act.
5. This Act may be cited as *The Industrial Standards Amendment Act, 1949*. Short title.

CHAPTER 45.

An Act to amend The Insurance Act.

*Assented to April 1st, 1949.**Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause 24 of section 1 of *The Insurance Act* is amended by inserting after the word "life" in the fourth line the words "accident or sickness", so that the clause shall read as follows:

Rev. Stat.,
c. 256,
s. 1, cl. 24,
amended.

24. "Fraternal society" means a society, order or association incorporated for the purpose of making with its members only and not for profit, contracts of life, accident or sickness insurance under which benefits may be paid only to its members or their beneficiaries, in accordance with its constitution and laws and the provisions of this Act.

"Fraternal
society".

2. Subsection 5 of section 76 of *The Insurance Act*, as enacted by section 1 of *The Insurance Amendment Act, 1945*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 256, s. 76,
subs. 5
(1945,
2nd Sess.,
c. 3, s. 1),
re-enacted.

(5) An insurer licensed for the transaction of life insurance may make such investments to an aggregate amount not exceeding five per centum of its total assets in Canada allowed by the Superintendent, in the purchase of land in Ontario or elsewhere in Canada where the insurer is carrying on business, the improvement thereof, the construction of buildings thereon, and the management and disposal thereof, as are referred to in *The National Housing Act, 1944* (Canada), or any amendments thereto.

Life
insurance
companies,—
investment
of funds in
housing
projects.

1944-45,
c. 46,
(Can.).

(6) Except in the case of a fraternal society, a licensed insurer may make such investments in real estate or leaseholds in Ontario and elsewhere in Canada where the insurer is carrying on business, as are referred to in clause *a* of subsection 2*a* of section 300 of *The Companies Act*.

Licensed
insurers,—
investment
in real
estate.

Rev. Stat.,
c. 251.

3. Clause 9 of section 128 of *The Insurance Act* is amended by inserting after the word "life" in the fourth line the words "accident or sickness", so that the clause shall read as follows:

Rev. Stat.,
c. 256, s. 128,
cl. 9,
amended.

"Fraternal society".

9. "Fraternal society" means a society, order or association incorporated for the purpose of making with its members only and not for profit, contracts of life, accident or sickness insurance under which benefits may be paid only to its members or their beneficiaries, in accordance with its constitution and laws and the provisions of this Act.

Rev. Stat.,
c. 256, s. 228,
subs. 1,
amended.

4. Subsection 1 of section 228 of *The Insurance Act* is amended by striking out the word "life" in the third line, so that the subsection shall read as follows:

Application
of Part.

- (1) Subject to the provisions of subsection 2, this Part shall apply to all fraternal societies carrying on the business of insurance in Ontario.

Rev. Stat.,
c. 256, s. 260,
subs. 1, cl. c,
amended.

5. Clause *c* of subsection 1 of section 260 of *The Insurance Act* is amended by striking out the symbol and figures "\$12" in the second line and inserting in lieu thereof the symbol and figures "\$18" and by striking out the symbol and figures "\$250" in the fourth line and inserting in lieu thereof the symbol and figures "\$300", so that the clause shall read as follows:

- (c) if it contracts for sick benefits for an amount in excess of \$18 per week exclusive of hospital benefits not exceeding public ward rates or for a funeral benefit in excess of \$300.

Short title.

6. This Act may be cited as *The Insurance Amendment Act, 1949*.

CHAPTER 46.

An Act to amend The Judicature Act.

Assented to March 9th, 1949.
Session Prorogued April 8th, 1949.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 as amended by section 3 of *The Judicature Amendment Act, 1938*, section 5 as amended by section 1 of *The Judicature Amendment Act, 1946*, and section 6 of *The Judicature Act* are repealed and the following substituted therefor:
 - 4.—(1) The Court of Appeal shall consist of a chief justice who shall be the president thereof and who shall be called the Chief Justice of Ontario, and nine other judges to be called justices of appeal. Rev. Stat., c. 100, ss. 4, 5, 6, re-enacted.
 - (2) Where the Chief Justice of Ontario is absent from the County of York or where he is for any reason unable or unwilling to act, his powers shall be exercised and his duties performed by the senior justice of appeal. Court of Appeal.
 5. The High Court shall consist of a chief justice who shall be the president thereof and who shall be called the Chief Justice of the High Court, and sixteen other judges. Absence of Chief Justice.
 - 6.—(1) The Chief Justice of Ontario shall have rank and precedence over all the other judges. High Court of Justice.
 - (2) The Chief Justice of the High Court shall have rank and precedence next after the Chief Justice of Ontario. Rank and precedence.
 - (3) The justices of appeal and the other judges shall have rank and precedence after the Chief Justice of the High Court and among themselves according to seniority of appointment. Idem.
2. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation. Commencement of Act.
3. This Act may be cited as *The Judicature Amendment Act, 1949*. Short title.

CHAPTER 47.

An Act to amend The Juvenile and Family Courts Act.

*Assented to March 9th, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *b*, *c* and *d* of subsection 2 of section 15 of *The Juvenile and Family Courts Act* are repealed and the following substituted therefor: Rev. Stat.,
c. 316, s. 15,
subs. 2,
cls. *b*, *c*, *d*,
re-enacted.

(*b*) a population of more than 75,000, but less than 200,000, not more than \$50,000;

(*c*) a population of more than 25,000, but less than 75,000, not more than \$25,000;

(*d*) a population less than 25,000, not more than \$15,000.

2. This Act shall come into force on the day it receives the Royal Assent. Commence-
ment of Act.

3. This Act may be cited as *The Juvenile and Family Courts Amendment Act, 1949*. Short title.

CHAPTER 48.

An Act to amend The Lakes and Rivers
Improvement Act.

*Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 9 of *The Lakes and Rivers Improvement Act* is repealed and the following substituted therefor: Rev. Stat., c. 45, s. 9, subs. 1, re-enacted.

- (1) A dam shall not be constructed on any lake or river unless and until the site and plans and specifications thereof have been approved by the Minister, and such approval shall be deemed to be of an administrative and not of a legislative nature. Approval of plans of dams.

(2) Subsection 2 of the said section 9 is amended by striking out the words "where it is proposed to construct a temporary dam for lumbering or other purposes, the owner may apply to the Minister for permission to construct and maintain the same, giving such information relative to the dam as the Minister may require, and the Minister may thereupon in his discretion grant such permission if it is considered by him to be safe and advisable in the public interest so to do, and provided further that" in the first to eighth lines of the proviso contained in the subsection so that the proviso shall read as follows: Rev. Stat., c. 45, s. 9, subs. 2, amended.

Provided that nothing herein contained shall prevent or apply to the construction of an emergency dam where such construction may be considered necessary for the prevention of loss or damage, but the owner in such case shall immediately give notice to the Minister that he is proceeding with the construction of the dam and shall thereafter comply with any directions of the Minister as to the precaution to be taken in maintaining the dam or its removal when the purpose for which it was constructed has been served. Proviso.

Rev. Stat.,
c. 45, s. 9,
subs. 3,
amended.

(3) Subsection 3 of the said section 9 is amended by striking out the words "Lieutenant-Governor in Council" in the first line and inserting in lieu thereof the word "Minister", so that the subsection shall read as follows:

Engineer
to examine
plans.

(3) The approval of the Minister shall not be given until an engineer designated by him (hereinafter referred to as "the engineer") shall have examined the plans, documents and other information and recommended the approval of the proposed dam.

Rev. Stat.,
c. 45, s. 10,
amended.

2. Section 10 of *The Lakes and Rivers Improvement Act* is amended by striking out all the words after the word "and" in the fourth line and inserting in lieu thereof the words "specifications have been approved by the Minister, and such approval shall be deemed to be of an administrative and not of a legislative nature", so that the section shall read as follows:

Approval
of plans
and specifications.

10. Where a dam has heretofore been or shall hereafter be constructed in any lake or river and it is proposed to make improvements to such dam such improvements shall not be proceeded with until complete copies of the plans and specifications have been approved by the Minister, and such approval shall be deemed to be of an administrative and not of a legislative nature.

Rev. Stat.,
c. 45, s. 11,
subs. 4,
amended.

3.—(1) Subsection 4 of section 11 of *The Lakes and Rivers Improvement Act* is amended by striking out the words "Lieutenant-Governor in Council" in the first and second lines and inserting in lieu thereof the word "Minister", so that the subsection shall read as follows:

Order to
repair,
improve,
etc.

(4) On the report of the engineer, the Minister may make such order as he may deem necessary to ensure the safety of the public or of persons whose lands and property may be endangered by such dam, and for such purpose may order the owner to repair, improve, open up or remove it, and may fix the time within which such repairs, improvements, opening up or removal shall be completed.

Rev. Stat.,
c. 45, s. 11,
subs. 6,
amended.

(2) Subsection 6 of the said section 11, as amended by subsection 2 of section 4 of *The Statute Law Amendment Act, 1948*, is further amended by striking out the words "the Lieutenant-Governor in Council may at the request of the Minister" in the second and third lines and inserting in lieu thereof the words "the Minister may", so that the subsection shall read as follows:

- (6) Where any dam heretofore constructed has not been ^{Fishway.} provided with a fishway the Minister may direct that the owner of such dam shall forthwith provide a fishway to permit the free and unobstructed passage of fish up and down stream at any season of the year.

4. *The Lakes and Rivers Improvement Act* is amended by <sup>Rev. Stat.,
c. 45,
amended.</sup> adding thereto the following sections:

- 11a. Where water is impounded for power development <sup>Clearing
timber from
flooded
lands.</sup> or storage purposes the Minister may order the owner of any dam that impounds such water, or the owner of any lands so flooded, to clear timber from the lands so flooded.

- 11b.—(1) The Minister may authorize the engineer to <sup>Minister
may
authorize
inspection.</sup> inspect or cause an inspection to be made of any dam or other structure or work for the development, improvement or utilization of the waters of any lake or river and report in writing upon the state of repair of such dam or other structure or work.

- (2) The Minister may, following the receipt of the report <sup>Repair or
reconstruction.</sup> of the engineer, order the owner of the dam or other structure or work to repair or reconstruct the same within the time specified in the order.

- (3) Where the owner fails to comply with any order made <sup>Non-
compliance
with order
for repair,
etc.</sup> under this section the Minister may cause the repairs or reconstruction to be made and the rights of the owner in the dam or other structure or work shall be forfeited to the Crown upon payment of such compensation as the Lieutenant-Governor in Council may direct.

5. Clause *b* of subsection 1 of section 12 of *The Lakes and Rivers Improvement Act*, as re-enacted by subsection 2 of section 26 of *The Statute Law Amendment Act, 1946*, is amended <sup>Rev. Stat.,
c. 45, s. 12,
subs. 1,
cl. b
(1946,
c. 89, s. 26,
subs. 2),
amended.</sup> by striking out the words "of the Lieutenant-Governor in Council or any" in the second line, so that the clause shall read as follows:

- (b) refuses or neglects to comply with any order, requirement or direction of the Minister made under this Part; or

.

6.—(1) Section 30 of *The Lakes and Rivers Improvement Act* is repealed and the following substituted therefor: <sup>Rev. Stat.,
c. 45, s. 30,
re-enacted.</sup>

- 30.—(1) In this section "mill" means a plant or works <sup>"Mill"
defined.</sup> in which logs or wood-bolts are processed and includes a saw mill, a pulp mill, and a pulp and paper mill.

Discretion of court as to granting of injunction in certain cases.

- (2) Where in an action or proceeding a person claims, and but for this section would be entitled to, an injunction against the owner or occupier of a mill for an injury or damage, direct or consequential, sustained by such person, or for any interference directly or indirectly with any rights of such person as riparian proprietor or otherwise, by reason or in consequence of the throwing, depositing or discharging, or permitting the throwing, depositing or discharging of any refuse, sawdust, chemical, substance or matter from the mill or from it and other mills into any lake or river, or by reason or in consequence of any odour arising from any such refuse, sawdust, chemical, substance or matter so thrown, deposited or discharged or so permitted to be thrown, deposited or discharged, the court or judge may,—

- (a) refuse to grant an injunction if it is proved that having regard to all the circumstances and taking into consideration the importance of the operation of the mill to the locality in which it operates and the benefit and advantage, direct and consequential, which the operation of the mill confers on that locality and on the inhabitants of the locality, and weighing the same against the private injury, damage or interference complained of, it is on the whole proper and expedient not to grant the injunction; or
- (b) grant an injunction to take effect after such lapse of time or upon such terms and conditions or subject to such limitations or restrictions as may be deemed proper; or
- (c) in lieu of granting an injunction, direct that the owner or occupant of the mill take such measures or perform such acts to prevent, avoid, lessen or diminish the injury, damage or interference complained of as may be deemed proper.

Right to damages not affected.

- (3) Nothing in subsection 2 shall affect any right of the person claiming the injunction to damages against the owner or occupier of the mill for any such injury, damage or interference.

Subsequent damages.

- (4) Where damage from the same cause continues the person entitled to the damages may apply from time to time in the same action or proceeding for the assessment of subsequent damages or for any other

relief to which by subsequent events he may from time to time become entitled.

- (5) This section shall apply whether the injury, damage or interference is or is not a continuing one, and whether the person claiming the injunction in the action or proceeding is a plaintiff or is a defendant proceeding by way of counter-claim. Application of section.

(2) Section 30 of *The Lakes and Rivers Improvement Act*, as re-enacted by subsection 1 of this section, shall apply to every action or proceeding in which an injunction is claimed in respect of any of the matters mentioned in such section, including every pending action and proceeding and including every action or proceeding in which an injunction has been granted and in which any appeal is pending. Application to pending actions, etc.

7. This Act shall come into force on the day it receives the Royal Assent. Commencement of Act.

8. This Act may be cited as *The Lakes and Rivers Improvement Amendment Act, 1949*. Short title.

CHAPTER 49.

An Act to amend The Land Transfer Tax Act.

*Assented to March 9th, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Land Transfer Tax Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 31, s. 1,
amended.

(2) No tax shall be payable under this Act by the Crown Exception.
or by any foreign state.

2. This Act may be cited as *The Land Transfer Tax* Short title.
Amendment Act, 1949.

CHAPTER 50.

An Act to amend The Legislative Assembly Act.

*Assented to March 9th, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Sections 70, 71 and 72 of *The Legislative Assembly Act*, Rev. Stat., c. 12, ss. 70, 71, 72 as re-enacted by section 2 of *The Legislative Assembly Amendment Act, 1947*, are repealed and the following substituted (1947, c. 55, s. 2), re-enacted.

70.—(1) Every member of the Assembly shall be paid,—
 (a) an indemnity at the rate of \$2,000 per annum;
 and

(b) an allowance for expenses at the rate of \$1,000 per annum.

(2) For the purpose of computing the amount of any indemnity or allowance payable under this section a member shall be deemed to be a member from the polling day on which he is elected, and when the Assembly of which he is a member is dissolved he shall be deemed to be a member until the day preceding the polling day that follows the dissolution, or until his death, whichever occurs first.

(3) Every indemnity and allowance under this section shall be paid on the 31st day of March in each year, but when a member resigns or dies or for any other reason ceases to be a member the amounts that are payable to him for the period then concluded shall be paid forthwith.

(4) Notwithstanding subsection 3, each member upon his request shall be paid by way of advance any part of the amount, not exceeding \$60 per month in respect of his indemnity and \$30 per month in respect of his allowance, that has accrued at the time the request is made.

Speaker's
and Leader
of the Oppo-
sition's
indemnities
and allow-
ances,—
amount;

71.—(1) In addition to his indemnity and allowance for expenses as a member, there shall be paid,—

(a) to the Speaker, an indemnity at the rate of \$2,500 per annum; and

(b) to the Leader of the Opposition,

(i) an indemnity at the rate of \$3,000 per annum, and

(ii) an allowance for expenses at the rate of \$2,000 per annum.

computa-
tion;

(2) For the purpose of computing the amount of any indemnity or allowance payable under this section the Speaker and the Leader of the Opposition, respectively, shall be deemed to occupy the position from the polling day on which he is elected a member of the Assembly, and when the Assembly in which he occupies the position is dissolved he shall be deemed to occupy the position until the day preceding the polling day that follows the dissolution, or until his death, whichever occurs first; provided that when the occupant of the position changes, the member succeeding to the position shall be deemed to occupy the position from the day following that on which his predecessor ceased to occupy the position.

when paid;

(3) Every indemnity and allowance under this section shall be paid on the 31st day of March in each year, but when the Speaker or the Leader of the Opposition, as the case may be, ceases to occupy the position the amounts that are payable to him for the period then concluded shall be paid forthwith.

advances.

(4) Notwithstanding subsection 3, the Speaker or the Leader of the Opposition upon his request shall be paid by way of advance any part of the amount, not exceeding in the case of the Speaker, \$70 per month in respect of his indemnity, and in the case of the Leader of the Opposition, \$80 per month in respect of his indemnity and \$60 per month in respect of his allowance, that has accrued at the time the request is made.

Chairman of
the Com-
mittees of
the Whole
House,—
indemnity;

72.—(1) In addition to his indemnity as a member, the Chairman of the Committees of the Whole House shall be paid an indemnity of \$1,000 for each session.

- (2) The indemnity under this section shall be paid at the ^{when paid.} close of the session, and if in any session more than one person occupied the position the indemnity shall be divided among them in proportion to the time that each occupied the position during the session.

2. This Act shall be deemed to have come into force on ^{Commence-} the 27th day of April, 1948. _{ment of Act.}

3. This Act may be cited as *The Legislative Assembly* ^{Short title.} *Amendment Act, 1949.*

CHAPTER 51.

An Act to amend The Limitations Act.

Assented to March 9th, 1949.
Session Prorogued April 8th, 1949.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *c* of subsection 1 of section 48 of *The Limitations Act* is amended by inserting after the article "a" the words "judgment or", so that the clause shall read as follows: Rev. Stat.,
c. 118, s. 48,
subs. 1, cl. c,
amended.

(c) an action upon a judgment or recognizance.

2. Subsection 1 of section 53 of *The Limitations Act* is amended by inserting after the word "specialty" where it occurs in the third and sixth lines respectively the word "judgment", so that the subsection shall read as follows: Rev. Stat.,
c. 118, s. 53,
subs. 1,
amended.

(1) Where an acknowledgment in writing, signed by the principal party or his agent, is made by a person liable upon an indenture, specialty, judgment or recognizance, or where an acknowledgment is made by such person by part payment, or part satisfaction, on account of any principal or interest due on such indenture, specialty, judgment or recognizance, the person entitled may bring an action for the money remaining unpaid and so acknowledged to be due, within twenty years, or, in the cases mentioned in clause *k* of subsection 1 of section 48, within ten years after such acknowledgment in writing, or part payment, or part satisfaction, or where the person entitled is, at the time of the acknowledgment under disability as aforesaid, or the person making the acknowledgment is, at the time of making the same, out of Ontario, then within twenty years, or in the cases aforesaid within ten years, after the disability has ceased, or the person has returned, as the case may be. Effect of
written
acknowledg-
ment or part
payment.

3. This Act may be cited as *The Limitations Amendment Act, 1949*. Short title.

CHAPTER 52.

The Loan and Trust Corporations Act, 1949.

*Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpreta-
tion,—

- (a) "accountant" means a member of the Institute of Chartered Accountants of Ontario or of the Certified Public Accountants Association of Ontario or such other person as may be approved by the Registrar as being a qualified accountant for the purpose of auditing the books and accounts of corporations under this Act; 1946, c. 48, s. 1. "account-
ant";
- (b) "chief agency" means the principal office or place of business in Ontario of a corporation that has its head office out of Ontario; "chief
agency";
- (c) "corporation" means a loan corporation, a loaning land corporation or a trust company; "corpora-
tion";
- (d) "due application" includes the furnishing of information, evidence and material required by the Registrar, and the payment of the prescribed fees in respect of any application, certificate or document required or issued under this Act; and also the payment to the Treasurer of Ontario of all taxes due and payable by the applicant company under any Act of Ontario; "due ap-
plication";
- (e) "extra provincial corporation" means a corporation other than one incorporated under the law of Ontario; "extra-
provincial
corpora-
tion";
- (f) "head office" means the place where the chief executive officers of the corporation transact its business; "head
office";
- (g) "law of Ontario" includes any laws of the former Province of Canada or of Upper Canada, continued as the law of Ontario, or consolidated or incorporated "law of
Ontario";

with the law of Ontario; R.S.O. 1937, c. 257, s. 1, cls. (b-g).

"loan corporation";

- (h) "loan corporation" means every incorporated company, association or society, constituted, authorized or operated for the purpose of lending money on the security of real estate, or for that and any other purpose, but does not include a chartered bank, an insurance corporation, a loaning land corporation or a trust company;

"loaning land corporation";

- (i) "loaning land corporation" means a corporation incorporated for the purpose of lending money on the security of real estate and of carrying on the business of buying and selling land; R.S.O. 1937, c. 257, s. 1, cls. (h, i), *amended*.

"Minister";

- (j) "Minister" means the member of the Executive Council under whose direction this Act is administered;

"paid in";

- (k) "paid in" as applied to the capital stock of a corporation or to any shares thereof means the amount paid to the corporation on its shares, not including the premium if any paid on such shares, whether such shares are or are not fully paid up;

"paid up";

- (l) "paid up", when applied to any share, means a share on which there remains no liability, actual or contingent, to the issuing corporation;

"permanent stock";
"permanent shares";

- (m) "permanent stock" or "permanent shares" includes all stock or all shares of permanent or fixed capital not liable to be withdrawn from or repaid by the corporation; R.S.O. 1937, c. 257, s. 1, cls. (j-m).

"provincial corporation";

- (n) "provincial corporation" means a corporation incorporated under the law of Ontario; R.S.O. 1937, c. 257, s. 1, cl. (n), *amended*.

"real estate";

- (o) "real estate" includes messuages, lands, rents and hereditaments, whether freehold or of any other tenure, and whether corporeal or incorporeal, and leasehold estates, and any undivided share thereof, and any estate, right or interest therein;

"registered corporation";

- (p) "registered corporation" means a corporation registered under this Act;

"Registrar";

- (q) "Registrar" means Registrar appointed under this Act; R.S.O. 1937, c. 257, s. 1, cls. (o-q).

"trust company".

- (r) "trust company" means a company constituted or operated for the purpose of acting as trustee, bailee, agent, executor, administrator, receiver, liquidator, assignee, guardian of a minor's estate, or committee

of a mentally incompetent person's estate. R.S.O. 1937, c. 257, s. 1, cl. (r), *amended*.

APPLICATION OF ACT.

2.—(1) This Act shall apply, according to its context, to every corporation within the meaning of this Act. Application of Act.

(2) With respect to every provincial corporation whether formed or incorporated before or after the passing of this Act and whether formed or incorporated by or under a special or general Act or by letters patent or otherwise, any provision of the Act or letters patent or other instrument of incorporation that is inconsistent or in conflict with the provisions of this Act shall not apply. Idem.

(3) Sections 3 to 57, except sections 28 and 44, shall apply only to provincial corporations. Idem. *New.*

INCORPORATION OF LOAN CORPORATIONS, LOANING LAND CORPORATIONS AND TRUST COMPANIES.

3.—(1) An application for the incorporation of a loan corporation, a loaning land corporation or a trust company shall be made by petition to the Lieutenant-Governor in Council through the Minister in the prescribed form, and shall be delivered to the Registrar. R.S.O. 1937, c. 257, s. 2 (1), *amended*. Application for incorporation.

(2) The applicants shall for one month next before filing their application with the Registrar publish a notice thereof in *The Ontario Gazette*, and shall also before such filing give the like notice at least once in a newspaper published in the locality in which the head office is to be established. Notice of application.

(3) The notice shall state the proposed corporate name, the location of the head office, which shall be in Ontario, the purposes of the corporation, and for what amount of permanent capital stock authorization will be asked, with the number of shares and the par value of the shares. Contents.

(4) The applicants shall furnish such further information as may be required by the Minister or the Registrar. Further information.

(5) The application shall be accompanied by the original, or one of the duplicate originals, of a declaration adopted at a general meeting of the promoters, and executed under their respective hands and seals by at least twenty-five persons present at the meeting who are subscribers for shares. Application to be accompanied by a declaration.

(6) The declaration shall set out the names in full and the address and calling of each of the declarants and shall de- Contents of declaration.

clare: that the said declarants assembled at _____ on
 (naming the place and time); _____ being chairman, and
 _____ being secretary of the meeting (naming them) did
 there and then agree to constitute themselves a provisional
 corporation by the name of (mentioning the proposed cor-
 porate name) under *The Loan and Trust Corporations Act, 1949*
 and under the proposed by-laws there and then adopted, and
 annexed to the declaration; also that the following persons,
 five in number (naming them) were elected provisional direc-
 tors.

Reference to
Registrar.

(7) The Minister may refer the application or any question arising thereunder to the Registrar for a report, and the Registrar shall report thereon. R.S.O. 1937, c. 257, s. 2 (2-7).

By-laws to
accompany
declaration.

4.—(1) Three copies of the proposed by-laws shall accompany the declaration, one copy duly certified being annexed thereto. R.S.O. 1937, c. 257, s. 3 (1).

What they
shall provide
for.

(2) Subject to this Act, the by-laws shall,—

- (a) provide for the proposed corporate name, and the location of the head office of the corporation;
- (b) set out the purposes for which the corporation is to be constituted;
- (c) declare that the capital stock of the corporation consists exclusively of permanent capital stock divided into a stated number of shares each of a stated uniform amount, and declare what respective amounts of such capital stock are before the commencement of business to be authorized, subscribed, and paid in, with the proviso that no shares shall be issued at a discount, or upon any terms, agreement or understanding that the taker or holder shall be liable for any less amount than the par value of the shares, less the calls paid thereon; R.S.O. 1937, c. 257, s. 3 (2), cls. (a-c).
- (d) in the case of a loan or a loaning land corporation, define and regulate the exercise of such general powers of borrowing as are by this Act conferred upon loan corporations and loaning land corporations, and declare within what limits such borrowing powers are to be exercised, and whether by issuing debentures or otherwise;
- (e) provide for the holding of general meetings, ordinary and special, of the shareholders; R.S.O. 1937, c. 257, s. 3 (2), cls. (d, e), amended.

- (f) provide for the election of directors, prescribe their number, powers, duties, and term of office, and the number necessary to constitute a quorum; R.S.O. 1937, c. 257, s. 3 (2), cl. (f).
- (g) provide that security in amounts satisfactory to the board of directors shall be taken for the fidelity of the person or persons having custody or control of the funds of the corporation; R.S.O. 1937, c. 257, s. 3 (2), cl. (g), *amended*.
- (h) provide for the proper audit, at least yearly, of the books and accounts of the corporation by two or more accountants, who shall not be otherwise employed by the corporation or be otherwise officers thereof;
- (i) require that there shall be mailed or delivered to each shareholder, at least ten days before the annual meeting, a statement, verified by the auditors, of the assets and liabilities and income and expenditure of the corporation to a date not more than two months before the meeting, such statement to be drawn in accordance with the form from time to time prescribed by the Registrar; R.S.O. 1937, c. 257, s. 3 (2), cls. (h, i).
- (j) provide for their amendment by the shareholders in general meeting; and R.S.O. 1937, c. 257, s. 3 (2), cl. (j), *part*.
- (k) provide that no transfer of shares of the corporation may be made that has the effect of reducing the number of shareholders to less than twenty-five. R.S.O. 1937, c. 257, s. 3 (2), cl. (k).

5. A sworn copy of the stock subscription shall also be filed with the Registrar containing such particulars as he may require. R.S.O. 1937, c. 257, s. 4. Stock subscription.

6. If on receiving an application for incorporation the Minister finds in the by-laws anything repugnant to this Act or to the law of Ontario he may direct an amendment of the by-laws, and, upon their being amended as directed and returned certified as having been so amended, the application may be proceeded with. R.S.O. 1937, c. 257, s. 5, *part, amended*. Minister may direct amendment of by-laws.

7. The by-laws accompanying the declaration mentioned in section 3 with such amendments as may have been required by the Minister, shall be the first by-laws of the corporation and shall take effect on the date of the incorporation. R.S.O. 1937, c. 257, s. 13, *amended*. First by-laws of corporation.

Affidavit
as to sub-
scription
and pay-
ment.

8.—(1) For the purpose of incorporation the applicants shall file with the Registrar an affidavit showing that at least \$300,000 of stock has been subscribed for and taken up *bona fide* by at least twenty-five responsible subscribers, each of the applicants holding in his own name and for his own use shares of an aggregate par value of at least \$1,000 and has paid in cash all calls due thereon and all liabilities incurred by him to the corporation, and that in the case of trust companies at least \$100,000 and in other cases at least \$50,000 of such subscribed stock has been paid in cash by the subscribers into a branch in Ontario of a chartered bank, in trust for the proposed corporation, free from all liability on the part of the proposed corporation or any of the subscribers to make repayment of the same or any part thereof to any person, firm, or corporation, and that each subscriber has out of his own money, contributed to the amount so paid in rateably according to the amount of shares subscribed for by him. R.S.O. 1937, c. 257, s. 6 (1), *amended*.

New corporation
acquiring
assets of
existing corporation.

(2) Where the corporation is to be constituted for the purpose of acquiring the assets of one or more existing corporations and the proposed consideration for the transfer of such assets is to consist wholly or in part of shares of the capital stock of the new corporation, the Lieutenant-Governor in Council may dispense with the requirements of subsection 1 as to subscription and payment to such extent as he may deem proper. R.S.O. 1937, c. 257, s. 6 (2), *amended*.

All stock
to be
permanent.

9.—(1) All stock and shares in any corporation incorporated after the 17th day of March, 1900, shall be fixed, permanent and non-withdrawable.

Unless issued
prior to 17th
March, 1900.

(2) Any corporation that did not issue terminating stock or shares on or before the 17th day of March, 1900, shall not make or issue such stock or shares. R.S.O. 1937, c. 257, s. 8 (1, 2), *amended*.

Saving as
to law
applicable to
terminating
shares.

(3) Notwithstanding the repeal of certain Acts and parts of Acts by section 143 of *The Loan and Trust Corporations Act*, being chapter 34 of the Statutes of Ontario, 1912, the law of Ontario which, on the 16th day of April, 1912, was in force and applied to corporations having terminating or withdrawable stock or shares, shall continue in force and shall apply to such corporations so long as such stock or shares subsist. R.S.O. 1937, c. 257, s. 158.

Letters
patent.

10.—(1) A grant of incorporation shall be by letters patent.

Contents.

(2) The letters patent shall set forth the name under which, and the date at which, the corporation became incorporated, the location of the head office, the amount of stock authorized, and the business to be undertaken by the corporation, distinguishing between the classes of business mentioned in section 105. R.S.O. 1937, c. 257, s. 9.

11. Incorporation may be granted without limitation of ^{Term.} time, or for any limited term of years not less than ten.

12.—(1) Where incorporation is granted for a limited term ^{Term to be specified if limited.} of years the letters patent shall specify the first and the last day of the term. R.S.O. 1937, c. 257, s. 11 (1, 2).

(2) Where incorporation has been granted for a limited ^{Renewal of terminating charter.} term application may, upon the like notice as is required by section 3, be made on or before the expiry of the term for the renewal or extension of the incorporation, and the incorporation may be renewed or extended by letters patent either without limitation of time or for a limited term. R.S.O. 1937, c. 257, s. 11 (5).

13.—(1) If a corporation does not go into actual *bona fide* ^{Forfeiture of charter for non-user.} operation within two years after incorporation, or at any time for two consecutive years does not use its corporate powers for the purposes set forth in the Act or instrument of incorporation, such non-user shall *ipso facto* work a forfeiture of the corporate powers except so far as may be necessary for winding up the corporation.

(2) In any action or proceeding where such non-user is ^{Onus of proof of user.} alleged, proof of user shall lie upon the corporation. R.S.O. 1937, c. 257, s. 11 (3, 4).

(3) No such forfeiture shall affect prejudicially the rights ^{Rights of creditors not affected.} of creditors as they exist at the date of the forfeiture.

(4) The Lieutenant-Governor in Council may upon application ^{Charter may be revived.} revive any charter so forfeited, upon compliance with such conditions and upon payment of such fees as the Lieutenant-Governor in Council may designate. R.S.O. 1937, c. 251, s. 28 (3, 4).

14. Unless preference shares, debentures or bonds are ^{Consent of holders to redemption.} issued subject to redemption or conversion the same shall not be subject to redemption or conversion without the consent of the holders thereof. R.S.O. 1937, c. 251, s. 81, *amended*.

15. Where incorporation is granted, the provisional directors ^{First directors of the corporation.} named in the declaration of the applicants shall be the first directors of the corporation, and shall continue in office until their successors are duly elected. R.S.O. 1937, c. 257, s. 12.

16.—(1) Letters patent of incorporation of a trust ^{When letters patent of trust company may issue.} company may issue where it is shown to the satisfaction of the Lieutenant-Governor in Council that, in the locality in which the head office of the proposed company is to be situate, there

exists a public necessity for a trust company or for an additional trust company.

Satisfying
Lieutenant-
Governor of
fitness of
applicants.

(2) Such letters patent shall not issue unless the Lieutenant-Governor in Council is satisfied that the fitness of the applicants to discharge the duties of a trust company is such as to command the confidence of the public, and that the public convenience and advantage will be promoted by granting to the company the powers applied for. R.S.O. 1937, c. 257, s. 14 (1, 4).

Transfer of
papers.

17. After the issue of letters patent to any corporation required or authorized to register under this Act, the Provincial Secretary shall transfer all papers in his Department connected with the corporation to the office of the Registrar. R.S.O. 1937, c. 257, s. 128.

STATUTORY MEETINGS.

Statutory
meetings.

18.—(1) Every corporation shall, within a period of not less than one month and not more than three months from the date at which the corporation is entitled to commence business, hold a general meeting of its shareholders which shall be called the statutory meeting. R.S.O. 1937, c. 257, s. 80 (1).

Report to
be sent to
share-
holders.

(2) The directors shall, at least ten days before the day on which the meeting is to be held, forward to every shareholder of the corporation a report certified by not less than two directors of the corporation showing,—

- (a) the total number of shares allotted, distinguishing shares allotted as fully or partly paid up otherwise than in cash, and stating in the case of shares partly paid up the extent to which they are so paid up, and in either case the consideration for which they have been allotted;
- (b) the total amount of cash received by the corporation in respect of such shares, distinguished as aforesaid;
- (c) an abstract of the receipts and payments of the corporation on capital account to the date of the report, and an account or estimate of the preliminary expenses of the corporation;
- (d) the names, addresses and descriptions of the directors, auditors, if any, manager, if any, and secretary of the corporation; and
- (e) the particulars of any contract, the modification of which is to be submitted to the meeting for its

approval, together with the particulars of the modification or proposed modification.

(3) The report, so far as it relates to the shares allotted by the corporation, and to the cash received in respect of such shares, and to the receipts and payments of the corporation on capital account, shall be certified as correct by the auditors, if any, of the corporation. Report to be certified by auditors.

(4) The directors shall cause a copy of the certified report to be filed with the Registrar forthwith after sending it to the shareholders. Report to be filed with Registrar.

(5) The directors shall cause a list showing the names and addresses of the shareholders, and the number of shares held by each of them, to be produced at the commencement of the meeting, and to remain open and accessible to any shareholder of the corporation during the continuance of the meeting. Lists of shareholders to be produced at meeting.

(6) The shareholders present at the meeting shall be at liberty to discuss any matter relating to the formation of the corporation, or arising out of the report, whether previous notice has been given or not, but no resolution of which notice has not been duly given may be passed. Shareholders may discuss business of company at meeting.

(7) The meeting may adjourn from time to time, and at any such adjourned meeting any resolution of which notice has been duly given, either before or subsequently to the former meeting, may be passed, and an adjourned meeting shall have the same powers as the original meeting. Adjournments.

(8) If default is made in filing the report or in holding the statutory meeting, then at the expiration of fourteen days after the last day on which the meeting ought to have been held any shareholder may petition the court for the winding up of the corporation, and the court may either direct that the corporation be wound up or give directions for the report being filed or a meeting being held, or make such other order as may be just, and may order that the costs of the petition be paid by the persons who, in the opinion of the court, are responsible for the default. R.S.O. 1937, c. 257, s. 80 (2-8). Application to court if default made.

GENERAL MEETINGS OF SHAREHOLDERS.

19.—(1) A general meeting of the shareholders shall be held at least once in each year for the purpose of considering the financial statement of the corporation, and the election of directors and auditors, and the transaction of such other business as is proper at such general meeting under the law of Ontario and the by-laws of the corporation. R.S.O. 1937, c. 257, s. 81 (1). Annual meeting.

Notice of
annual
meeting.

(2) Notice of the time and place of the holding of the annual general meeting of the shareholders shall be delivered, or shall be sent by post to the address of each shareholder so far as the same is known, or, on request, to his proxy residing in North America or the United Kingdom, and such notice of the meeting shall be so delivered or sent at least ten days before the time fixed for holding the meeting, and a copy of the annual statement of the directors to a date not more than four months before the date of the meeting shall accompany the notice. R.S.O. 1937, c. 257, s. 81 (2), *amended*.

Special
general
meetings.

20.—(1) The directors shall have the right at any time by resolution of the board passed in that behalf to call a special general meeting of the shareholders for the transaction of any business specified in the resolution.

On requisition
of share-
holders.

(2) One-fourth part in value of the shareholders of the corporation shall, by requisition delivered to the manager, acting manager, or secretary thereof, have at all times the right to have a special general meeting called by such officer for the transaction of any business specified in the requisition.

Notice.

(3) Notice of the holding of a special general meeting of the shareholders, specifying the time and place of the meeting and the business to be transacted thereat, shall be delivered, or shall be sent by registered post, to the address of each shareholder, so far as the same is known, at least ten days before the day appointed for the meeting.

Other
business.

(4) No other business shall be transacted at any special general meeting unless all the shareholders are present in person or by proxy and unanimously consent thereto.

Proof of
notice.

(5) Before the business of any special general meeting is proceeded with there shall be produced and read a statutory declaration of the manager, acting manager or secretary of the corporation that the requirements of this section as to notice have been fully complied with.

Minutes.

(6) A copy of the notice so delivered or sent, and of such declaration in relation thereto, shall be entered in the minute book of the corporation as part of the proceedings of the meeting. R.S.O. 1937, c. 257, s. 82.

Penalty.

21. Any director or officer wilfully neglecting or omitting to give effect to the requisition mentioned in section 20, or to give the notice of any general meeting required by section 19 or 20 shall be guilty of an offence. R.S.O. 1937, c. 257, s. 83.

22. At all meetings of shareholders of the corporation a shareholder shall have one vote for each share held by him upon which he is not six months in arrear. R.S.O. 1937, c. 257, s. 84. Voting power of shareholders.

23. A shareholder may either vote in person or be represented and vote by a proxy who is a shareholder of the corporation and not six months in arrear. R.S.O. 1937, c. 257, s. 85. Proxies.

24. The transactions of all annual and special general meetings of the corporation and of all meetings of the board of directors shall be entered in a book to be known as the minute book of the corporation. R.S.O. 1937, c. 257, s. 86, *amended*. Minute book.

BY-LAWS.

25. A meeting of the shareholders, called with due notice thereof, may make such lawful and proper by-laws for the government of the corporation, not repugnant to this Act or any other law in force in Ontario, as the majority of the shareholders present in person or by proxy deem meet. R.S.O. 1937, c. 257, s. 87. Shareholders may make by-laws.

26. Every by-law shall be reduced to writing and shall have affixed thereto the seal of the corporation, and shall be receivable in evidence without proof of the seal or of the signature or of the official character of the person or persons appearing to have signed the same, and without further proof thereof. R.S.O. 1937, c. 257, s. 88. To be sealed.

27.—(1) The by-laws shall be forthwith recorded in a book to be kept by the corporation for that purpose and to be known as the "By-law Book". By-laws to be recorded.

(2) Such book shall, without the payment of any fee or charge, be open during business hours for inspection by any shareholder, depositor, debenture holder or holder of a guaranteed investment certificate, by himself or his agent, and any such person may make extracts therefrom. R.S.O. 1937, c. 257, s. 89, *amended*. Right to inspect By-law Book.

28. Every corporation shall deliver to the Registrar within one month after the passing thereof a certified copy of its by-laws and of every repeal, or addition to, or amendment or consolidation thereof. R.S.O. 1937, c. 257, s. 90. Copy of by-laws, etc., to be filed with Registrar.

29.—(1) The shareholders in meeting may by by-law, of which, as proposed, notice shall be given to each shareholder with the notice of the meeting, empower the directors to make, amend and repeal by-laws for the corporation. Delegating to directors power to make or amend by-laws.

Confirmation
necessary.

(2) Every such by-law of the directors and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the corporation duly called for that purpose, shall have force only until the next annual meeting of the corporation, and in default of confirmation thereat shall, at and from that time, cease to have force, and in that case no new by-law to the same or the like effect or re-enactment thereof shall have any force until confirmed at a general meeting.

By-laws
may be
varied.

(3) The corporation may at a general meeting duly called for the purpose or at an annual meeting repeal, amend, vary or otherwise deal with any by-law passed by the directors; but no act done or right acquired under any by-law shall be prejudicially affected by any such repeal, amendment, variation, or other dealing. R.S.O. 1937, c. 257, s. 92.

Alteration
at general
meeting.

30. At a general meeting the shareholders may alter or amend such by-laws, and may confirm the same as so altered and amended. R.S.O. 1937, c. 257, s. 93, *amended*.

By-laws for
particular
purposes.

31. The directors of a corporation, authorized as provided by section 29, may make by-laws, not repugnant to this Act or any other law in force in Ontario, to regulate,—

- (a) the allotment and issue of shares, the making of calls thereon, the payment thereof, the issue and registration of certificates of shares, the forfeiture of shares for non-payment, the disposal of forfeited shares and of the proceeds thereof, the transfer of shares, and subject to section 57 the subdivision of existing shares into shares of smaller amount;
- (b) the declaration and payment of dividends;
- (c) subject to section 65, the appointment, functions, duties and removal of agents, officers and servants of the corporation, and their remuneration;
- (d) the calling of meetings of the directors and the procedure at such meetings; and
- (e) the conduct in all other particulars of the affairs of the corporation. R.S.O. 1937, c. 257, s. 103, *amended*.

DIRECTORS.

Term of
office.

32.—(1) The term of office of the directors of a corporation shall not exceed two years. R.S.O. 1937, c. 257, s. 94 (1), *amended*.

(2) Where the term of office is one year only the number ^{Number.} of directors shall not be less than five.

(3) Where the term of office is two years the number of ^{Idem.} directors shall be an even number not less than six, and one-half of the directors shall retire annually at the general meeting in rotation, but shall, if otherwise qualified, be eligible for re-election.

(4) Where the term of office is two years the first elected ^{Retirement by lot.} directors shall at their first meeting determine by lot which of them shall retire at the end of the first year. R.S.O. 1937, c. 257, s. 94 (2-4).

33.—(1) The election of directors shall be by ballot. ^{Ballot.}

(2) No person shall be qualified to be a director unless he ^{Qualification of directors.} is of the full age of twenty-one years and is a shareholder holding, in his own right, shares of the corporation, on which at least \$1,000 has been paid in, and is not in arrear in respect of any call thereon. R.S.O. 1937, c. 257, s. 95 (1, 2).

(3) The majority of the directors shall at all times be ^{Majority to be residents and British subjects.} resident in Canada and subjects of His Majesty by birth or naturalization. R.S.O. 1937, c. 257, s. 95 (3), *amended*.

(4) Where more than the prescribed number of non- ^{New election to fill directorships in such case.} residents and aliens are elected, a new election shall be held forthwith to fill all the directorships to which aliens or non-residents have been elected, and so on until the number of non-residents or aliens is reduced to the prescribed number.

(5) The remuneration of directors shall be fixed by the ^{Remuneration.} shareholders in general meeting. R.S.O. 1937, c. 257, s. 95 (4, 5).

34. If at any time an election of directors is not held, or ^{Provision in case of failure of election.} does not take effect at the proper time, the corporation shall not be thereby dissolved, but the election may take place at any general meeting of the corporation duly called for that purpose, and the retiring directors shall continue in office until their successors are elected. R.S.O. 1937, c. 257, s. 96.

35. Vacancies occurring in the board of directors may be ^{Interim vacancies.} filled for the unexpired remainder of the term by the board from among the qualified shareholders of the corporation. R.S.O. 1937, c. 257, s. 97.

36. The directors may lawfully exercise all the powers of ^{Powers of directors} the corporation except as to such matters as are directed by law or by the by-laws of the corporation to be transacted at a

general meeting and have not been delegated to the directors by a general meeting as provided by section 29. R.S.O. 1937, c. 257, s. 98, *amended*.

President
and vice-
president.

37.—(1) The directors shall from time to time elect from among themselves a president and one or more vice-presidents, and the directors shall in all things delegated to them act for and in the name of the corporation, and, subject to subsection 2, the concurrence of a majority of the directors present at any meeting shall at all times be necessary to any act of the board. R.S.O. 1937, c. 257, s. 99, *amended*.

Casting
vote.

(2) On any question before the board each director shall have one vote, and in the event of an equality of votes the president or presiding officer shall have a second or casting vote. R.S.O. 1937, c. 257, s. 100.

Executive
committee.

38.—(1) The shareholders of a corporation having more than six directors may, at a general meeting called for the purpose, by resolution of two-thirds of the shareholders present in person or by proxy, authorize the directors to delegate any of their powers to an executive committee consisting of not less than three to be elected by the directors from their number. R.S.O. 1937, c. 257, s. 101 (1).

Committee's
powers.

(2) A committee so formed shall, in the exercise of the powers so delegated, conform to any regulations that may be imposed upon them by such resolution or by the directors.

Delegated
powers to be
recorded in
minute book.

(3) Where directors delegate any of their powers to an executive committee the powers so delegated shall be stated in writing and entered in the minute book of the corporation. R.S.O. 1937, c. 257, s. 101 (2, 3).

General
powers of
directors.

39. Subject to this Act, and to the Act or instrument constituting the corporation and to the by-laws of the corporation, the directors may,—

- (a) use or cause to be used and affixed the seal of the corporation, and may affix or cause it to be affixed to any document or paper which in their judgment may require the same;
- (b) make and enforce calls upon the shares of the respective shareholders;
- (c) declare the forfeiture of all shares on which such calls are not paid;
- (d) make any payments and advances of money they may deem expedient that are authorized to be made by or on behalf of the corporation, and enter

into all contracts for the execution of the purposes of the corporation, and for all other matters necessary to the transaction of its affairs;

- (e) generally deal with, sell, exchange, lease and dispose of the lands, property and effects of the corporation in such manner as they deem expedient and conducive to the benefit of the corporation;
- (f) do and authorize, assent to or adopt all acts required for the due exercise of any further powers and authorities conferred by this Legislature. R.S.O. 1937, c. 257, s. 102.

40.—(1) Where the directors entertain reasonable doubts as to the legality of any claim to or upon any share, bond, debenture, or obligation of a corporation, or to or upon any dividend, coupon or the proceeds thereof, they may apply to the Supreme Court, stating such doubt, for an order or judgment adjudicating upon such claim, and awarding such share, bond, debenture, obligation, dividend, coupon or proceeds to the person legally entitled to the same, and the Court may restrain any action or proceeding against the corporation, or the directors or officers thereof, for the same subject-matter, pending the determination of the application. Where directors have reasonable doubts as to legality of claim.

(2) If the order or judgment of the Court is obeyed the corporation and the directors and officers shall be fully protected and indemnified against all actions, claims and demands in respect of the matters in question in such application and the proceedings thereupon. R.S.O. 1937, c. 257, s. 106. Order of Court to be indemnity to company.

41. The secretary or treasurer or secretary-treasurer or other officer of the corporation may be styled "Manager", and when the officer is also a director he may be styled "Managing Director". R.S.O. 1937, c. 257, s. 116. "Manager" and "Managing Director".

42. Every officer or other person appointed to any office in anywise concerning the receipt, safe-keeping or proper application of money shall furnish security according to the by-laws of the corporation and to the satisfaction of the directors for the just and faithful execution of the duties of his office, and any person entrusted with the performance of any other service may be required by the directors to furnish similar security. R.S.O. 1937, c. 257, s. 117. Certain persons in service of corporation to furnish security.

43. The directors shall not declare or pay any dividend or bonus when the corporation is insolvent, or that renders the corporation insolvent or diminishes its capital; and if any director, present when any such dividend or bonus is declared, forthwith, or if any director then absent, within twenty-four hours after he becomes aware thereof, and is able to do so, Liability of directors declaring a dividend when corporation is insolvent, etc.

enters his written protest against the same, and within eight days thereafter notifies the Registrar in writing of his protest, the director may thereby, but not otherwise, exonerate himself from liability. R.S.O. 1937, c. 251, s. 94 (1), *amended*.

Liability of
directors
for wages.

44.—(1) The directors of any corporation shall be jointly and severally liable to its labourers, servants and apprentices for all debts not exceeding one year's wages due for services performed for the corporation while they are such directors. R.S.O. 1937, c. 251, c. 97 (1), *amended*.

Where no
liability.

(2) A director shall not be liable under subsection 1 unless,—

- (a) the corporation has been sued for the debt within one year after it has become due and execution has been returned unsatisfied in whole or in part; or
- (b) the corporation has, within that period, gone into liquidation or has been ordered to be wound up and the claim for such debt has been duly filed and proved,

and unless he is sued for such debt while a director or within one year after he has ceased to be a director.

Liability for
amount
unsatisfied
on execution.

(3) If execution has so issued the amount recoverable against the director shall be the amount remaining unsatisfied on the execution.

On payment
director
entitled to
assignment
of judgment,
etc.

(4) If the claim for such debt has been proved in liquidation or winding-up proceedings a director, upon payment of the debt, shall be entitled to any preference which the creditor paid would have been entitled to, and where a judgment has been recovered he shall be entitled to an assignment of the judgment. R.S.O. 1937, c. 251, s. 97 (2-4).

SHARES—CALLS ON CAPITAL STOCK.

Calling in
instalments.

45.—(1) The directors may call in and demand from the shareholders the amount unpaid on shares by them subscribed or held at such times and places and in such payments or instalments as the special Act, letters patent, supplementary letters patent, or this Act, or the by-laws of the corporation require or allow, and interest shall accrue upon the amount of any unpaid call from the day appointed for payment thereof.

Demand to
state
liability to
forfeiture.

(2) The demand shall state that in the event of non-payment the shares in respect of which the call was made will be liable to be forfeited.

(3) If after the demand any call is not paid in accordance therewith, the directors, by resolution duly recorded in their minutes, may summarily forfeit any shares whereon such payment is not made, and the same shall thereupon become the property of the corporation and may be disposed of as, by by-law or otherwise, the corporation may ordain; but such forfeiture shall not relieve the shareholder of any liability to the corporation or to any creditor. R.S.O. 1937, c. 257, s. 25, *amended*. Forfeiture of shares.

46. Every shareholder, until the whole amount of his shares has been paid up, shall be individually liable to the creditors of the company to an amount equal to that not paid up thereon, but shall not be liable to an action therefor by any creditor before an execution against the corporation has been returned unsatisfied in whole or in part, and the amount due on the execution, but not beyond the amount so unpaid on such shares, shall be the amount recoverable, with costs, against the shareholder. R.S.O. 1937, c. 257, s. 26 (1). Liability of shareholders.

47. In any action under section 46 a shareholder may plead by way of defence, in whole or in part, any set-off that he could set up against the corporation, except a claim for unpaid dividend, or a salary or allowance as a president or a director of the corporation. R.S.O. 1937, c. 257, s. 26 (2). Set-off.

48. The par value of a share of capital stock shall be any multiple of \$5 but shall not be less than \$10 and not more than \$100. 1946, c. 48, s. 2. Par value of shares.

49.—(1) No person holding shares in the corporation as executor, administrator, guardian, committee of a mentally incompetent person, or trustee of or for any estate, trust or person named in the books of the corporation as being so represented by him, shall be personally subject to any liability as a shareholder, but the estate and funds in his hands shall be liable in like manner and to the same extent as the testator, intestate, ward or person interested in such trust fund would be if living and competent to hold the shares in his own name. Representatives, guardians, or trustees not to be personally liable.

(2) If the trust is for a living person, not under disability, such person also shall be liable as a shareholder. Liability of beneficiary.

(3) If such testator, intestate, ward, mentally incompetent person or person so represented is not named in the books of the corporation, the executor, administrator, guardian, committee or trustee shall be personally liable in respect of such shares as if he held them in his own name as owner thereof. R.S.O. 1937, c. 257, s. 72 (4-6). Where beneficiary, etc., not named, trustee, etc., liable.

Payments
on shares in
advance of
calls.

50.—(1) Except with the consent of the directors, no payment on account of capital stock shall be made in advance of calls thereon.

Right to
participate
in dividends.

(2) In respect of any sum so paid a shareholder shall be entitled to participate in any dividend declared, but it shall not bear interest and shall not constitute a loan to or a debt of the corporation.

To be
credited as
against sub-
sequent calls.

(3) The shareholder shall be entitled to have any such advance payment credited to him *pro tanto* as against subsequent calls. R.S.O. 1937, c. 257, s. 104.

Restrictions
on transfer.

51. Subject to section 52, no by-law shall be passed which in any way restricts the right of a holder of paid up shares to transfer the same, but nothing in this section shall prevent the regulation of the mode of transfer thereof. R.S.O. 1937, c. 257, s. 107, *amended*.

When
directors' consent
required.

52.—(1) No transfer of shares, the whole amount whereof has not been paid, shall be made without the consent of the directors.

Their
liability.

(2) Where any such transfer is made with the consent of the directors to a person who is not apparently of sufficient means to fully pay up such shares, the directors shall, subject to subsection 3, be jointly and severally liable to the creditors of the corporation in the same manner and to the same extent as the transferring shareholder, but for such transfer, would have been. R.S.O. 1937, c. 257, s. 108 (1, 2).

Relief from
liability by
entering
protest.

(3) If any director present when any such transfer is allowed, forthwith, or if any director then absent, within twenty-four hours after he becomes aware of such transfer, and is able to do so, enters his written protest against the same, and within eight days thereafter notifies the Registrar in writing of his protest, the director may thereby, but not otherwise, exonerate himself from liability. R.S.O. 1937, c. 257, s. 108 (3), *amended*.

Liability
where call
remains
unpaid.

(4) Where a share upon which a call is unpaid is transferred with the consent of the directors, the transferee shall be liable for the call to the same extent and with the same liability to forfeiture of the share if the call remains unpaid, as if he had been the holder when the call was made, and the transferor shall remain liable also for the call until it has been paid.

Where
transferor
indebted.

(5) Where the letters patent, supplementary letters patent or by-laws of a corporation confer the power on the directors they may decline to register a transfer of shares belonging to a shareholder who is indebted to the corporation. R.S.O. 1937, c. 257, s. 108 (4, 5).

53. If a share certificate is defaced, lost or destroyed, it ^{Lost certificate.} may be renewed on payment of such fee, if any, not exceeding twenty-five cents and on such terms, if any, as to evidence and indemnity as the directors think fit. R.S.O. 1937, c. 251, s. 55.

54. No transfer of shares, unless made by sale under ^{Transfer valid only after entry.} execution or under the order or judgment of a competent court, shall, until entry thereof has been duly made, be valid for any purpose whatever, save only as exhibiting the rights of the parties thereto towards each other, and, if absolute, as rendering the transferee and the transferor jointly and severally liable to the corporation and its creditors until entry thereof has been duly made in the books of the corporation. R.S.O. 1937, c. 251, s. 60.

55.—(1) The directors may, for the purpose of notifying ^{Transferor may be notified.} the person registered therein as owner of such shares, refuse to allow the entry in any such books of a transfer of shares, and in that event shall forthwith give notice to the owner of the application for the entry of the transfer.

(2) The owner may lodge a caveat against the entry of the transfer and thereupon the transfer shall not be made for a ^{Owner may lodge caveat.} period of forty-eight hours. R.S.O. 1937, c. 251, s. 61 (1, 2).

(3) If no order of a competent court enjoining the entry ^{Transfer may be entered if no order served.} of the transfer is served upon the corporation within one week from the giving of the notice or the expiration of the period of forty-eight hours, whichever last expires, the transfer may be entered. R.S.O. 1937, c. 251, s. 61 (3), *amended*.

(4) Where a transfer is entered after the proceedings mentioned in this section the corporation shall, in respect of the shares so transferred, be free from liability to a person whose ^{Corporation not to be liable if section complied with.} rights are purported to be transferred, but without prejudice to any claim which the transferor may have against the transferee. R.S.O. 1937, c. 251, s. 61 (4).

56.—(1) Subject to the provisions of *The Succession Duty* ^{Deposit of foreign probate, letters of administration, etc., with officer of corporation.} *Act, 1939*, where,—

(a) a transmission of shares or other securities of a corporation takes place by virtue of any testamentary act or instrument, or in consequence of an intestacy; ^{1939 (2nd Sess.), c. 1.} and

(b) the probate of the will or letters of administration or document testamentary, or other judicial or official instrument under which the title, whether beneficial or as trustee, or the administration or control of the

personal estate of the deceased is claimed to vest, purports to be granted by any court or authority in Canada, or in any of the British Commonwealth of Nations, or in any of His Majesty's dominions, colonies or dependencies, or in any foreign country,

the probate of the will or the letters of administration or the document testamentary or, in the case of a transmission by notarial will in the Province of Quebec, a copy thereof duly certified in accordance with the laws of Quebec, or the other judicial or official instrument, or an authenticated copy thereof or official extract therefrom under the seal of the court or other authority, without any proof of the authenticity of the seal or other proof whatever, shall be produced, and a true copy thereof, together with a declaration in writing showing the nature of the transmission, signed and executed by such one or more of the persons claiming by virtue thereof as the corporation may require, or, if any such person be a company, signed and executed by an officer thereof, shall be deposited with an officer of the corporation or other person authorized by the directors of the corporation to receive them. 1947, c. 15, s. 4, *amended*.

Transmis-
sion of
interest
on death.
Securing
payment of
succession
duty.

(2) Such production and deposit shall be sufficient justification and authority to the directors for paying the amount or value of any dividend, coupon, bond, debenture, deposit, guaranteed investment certificate, obligation or share, or transferring, or consenting to the transfer of any bond, debenture, deposit, guaranteed investment certificate, obligation or share, in pursuance of, and in conformity to such probate, letters of administration or other such document aforesaid, but the payment, transfer or consent to transfer, shall not be made unless and until the provisions of *The Succession Duty Act, 1939* are complied with. R.S.O. 1937, c. 251, s. 62 (2), *amended*.

1939
(2nd Sess.),
c. 1.

INCREASE OR DECREASE OF CAPITAL STOCK AND SUBDIVISION OF SHARES.

Increase of
permanent
capital stock.

57.—(1) The directors of any provincial corporation may, at any time after ninety per centum of the permanent capital stock of the corporation has been subscribed and ninety per centum thereof paid in, but not sooner, by by-law provide for the increase of the permanent capital stock to any amount that the directors may consider requisite.

Decrease of
permanent
capital stock.

(2) The directors may at any time by by-law provide for the decrease of the permanent capital stock to any amount, not less than \$100,000, that they may consider sufficient.

(3) The by-law shall declare the number and par value of the shares of the stock so increased or decreased and provide for the manner in which they are to be allotted, or the rule or rules by which the allotment is to be made. R.S.O. 1937, c. 257, s. 109 (1-3). By-law to declare number and par value of new shares.

(4) The directors may pass a by-law providing upon terms therein stated for the conversion of partly paid up shares into paid up shares or for subdividing shares or altering the par value of shares of its permanent capital stock. R.S.O. 1937, c. 257, s. 109 (4), *amended*. Conversion of partly paid up shares.

(5) The liability of shareholders to persons who, at the time the stock or shares are so increased, decreased, converted or altered, are creditors of the corporation shall remain as though the stock or shares had not been increased, decreased, converted or altered. R.S.O. 1937, c. 257, s. 109 (5). Rights of creditors preserved.

(6) Where it is proposed to pass a by-law under this section that will have the effect of increasing or decreasing the permanent capital stock of the corporation or altering the liability of any holder of such stock, a copy of the proposed by-law shall be delivered to the Registrar and shall not be passed for at least six weeks thereafter. Copy to Registrar.

(7) Before submission of any such by-law to a meeting of shareholders, as provided in subsection 8, such notice shall be given by publication and otherwise as the Registrar shall direct. Notice of by-law to shareholders.

(8) No by-law for, or having the effect of, increasing or decreasing the permanent capital stock of the corporation, whether such stock is or is not subscribed or issued, or for, or having the effect of, sub-dividing the shares of the corporation or altering the par value of such shares, or altering the liability of any holder of such shares, or converting partly paid up shares into paid up shares, shall have any force or validity until it has been duly adopted and ratified by a vote of shareholders present or represented by proxy at a general meeting of the corporation duly called for considering such by-law, and holding not less than two-thirds of the issued capital stock of the corporation represented at such meeting, and has afterwards been confirmed by the Lieutenant-Governor in Council. R.S.O. 1937, c. 257, s. 109 (6-8), *amended*. Such by-laws relating to stock to be confirmed by Order in Council.

(9) The Lieutenant-Governor in Council may grant such confirmation, if he is satisfied of the *bona fide* character of the changes provided for in the by-law, unless it appears that the confirmation of the by-law would not be in the public interest. When confirmation may be granted.

Varying
by-law on
confirmation.

(10) With the consent of the corporation, evidenced by a resolution of the directors, the changes provided for in any such by-law may be varied or amended by the confirming Order in Council, and may be made subject to such conditions as the Lieutenant-Governor in Council may deem proper.

Evidence of
confirmation
by
Lieutenant-
Governor
in Council.

(11) The confirmation by the Lieutenant-Governor in Council may be evidenced by a certificate of the Minister or by a certified copy of the Minister's certificate in the like manner and with the like effect as provided in sections 98 and 99.

Certificate
to be
conclusive.

(12) Such certificate shall be conclusive evidence of all matters therein certified or declared, and of the due performance of all matters precedent or preliminary to the granting thereof. R.S.O. 1937, c. 257, s. 109 (9-12).

BOOKS.

Record
books to
be kept, and
contents
thereof.

58.—(1) Every corporation having its head office in Ontario shall cause the secretary, or some other officer specially charged with the duty, to keep a book or books wherein shall be kept recorded,—

- (a) a copy of the letters patent and of any supplementary letters patent issued to the corporation and, if incorporated by special Act, a copy of such Act, and the by-laws of the corporation duly authenticated;
- (b) the names, post office addresses, so far as known, of all persons who are or have been directors of the corporation, with the date on which each became and ceased to be a director;
- (c) the names, alphabetically arranged, of all persons who are shareholders of the corporation;
- (d) the post office address, so far as known, of every such person while he is a shareholder;
- (e) the number of shares held by each shareholder;
- (f) the amounts paid in, and remaining unpaid, on the shares of each shareholder; and
- (g) the date and other particulars of all transfers of shares in the order in which they were made.

Books to be
kept at
head office.

(2) Such books shall be kept at the head office of the corporation.

(3) Any director, officer or employee of a corporation who ^{Penalty.} removes or assists in removing such books from Ontario or who otherwise contravenes the provisions of this section shall incur a penalty of \$200.

(4) Upon necessity therefor being shown and adequate as- ^{Relief from operation of section.} surance given that such books may be inspected within Ontario by any person entitled thereto after application for such inspection to the Registrar, the Lieutenant-Governor in Council may relieve any corporation from the provisions of subsection 2 upon such terms as he may see fit. 1944, c. 58, s. 10, *amended*.

(5) Such books shall, without the payment of any fee or ^{Books to be open for inspection.} charge, be open during business hours for inspection by any shareholder, depositor, debenture holder or holder of a guaranteed investment certificate, by himself, his agent or his personal representative, and any such person may make extracts therefrom. R.S.O. 1937, c. 257, s. 110 (2), *amended*.

(6) Every such corporation that neglects to keep such ^{Forfeiture for neglect.} book or books shall be liable to forfeit its registry under this Act, and, if a provincial corporation, shall also be liable to forfeit its corporate franchise and rights.

(7) No auditor, director, officer or servant of the corporation ^{Penalty for false entries.} shall knowingly make or assist in making any untrue entry in any such book, or shall refuse or neglect to make any proper entry therein.

(8) Any person violating this section shall be liable in ^{Liability for damages.} damages for all loss or injury that any person interested may have sustained thereby. R.S.O. 1937, c. 257, s. 110 (3-5).

59. Every corporation shall keep a register or registers ^{Register of securities.} of all securities held by the corporation. R.S.O. 1937, c. 257, s. 111 (1), *amended*.

60.—(1) Every loan corporation in which and so long as ^{Terminating Shares Book.} there are any holders of terminating shares or stock shall keep a book, or books, to be known as the "Terminating Shares Book", in which shall be entered the name and address of every such shareholder, the number and amount of shares from time to time taken by him, and his several payments thereon, the interest or profits earned by his shares, also the repayments or the advances, if any, made by the corporation on account of his shares. R.S.O. 1937, c. 257, s. 112 (1), *amended*.

(2) In any case of forfeiture of shares an entry shall be ^{Entry of forfeiture.} made thereof, with the date of the forfeiture. R.S.O. 1937, c. 257, s. 112 (2).

Application
of subss.
6 to 8 of
s. 58.

61. Subsections 6 to 8 of section 58 shall apply to the registers prescribed by section 59 and subsections 5 to 8 of section 58 shall apply to the books prescribed by section 60. R.S.O. 1937, c. 257, s. 112 (3), *amended*.

Property in
books of
account.

62.—(1) The books used by any auditor, officer, collector or agent for verifying or recording money received for the corporation shall be the property of the corporation.

Idem.

(2) Neither the foregoing persons, nor any solicitor, counsel or other person shall have in or upon these or any other of the books of account or record of the corporation any ownership or proprietary right or any right of lien.

Penalty.

(3) Any person who, in contravention of this section, withdraws, withholds or detains any of such books from the possession or control of the directors, or from the receiver or liquidator of the corporation, shall be guilty of an offence. R.S.O. 1937, c. 257, s. 118.

After
decease,
bankruptcy,
etc., of
officer,
books, etc.,
to be de-
livered to
corporation.

63. Where a person who has been but has ceased to be a director, manager, auditor, officer, agent, collector, servant or employee of a corporation, or any other person unlawfully retains possession of any accounts, books, money, securities, papers, matters or things that are the property of the corporation, a judge of the Supreme Court or of a county or district court, on application of the corporation or any depositor or shareholder therein or of the Registrar, and upon notice to the person affected, may order that such accounts, books, money, securities, papers, matters and things be forthwith delivered to such person as the judge may direct and in default that the person so retaining possession shall be imprisoned for such period as the judge may direct or until he complies with the direction of the order, and may authorize the sheriff of any county or district in which the same may be found forthwith to seize and take such accounts, books, money, securities, papers, matters and things and deliver the same to the person to whom they have been directed to be delivered. R.S.O. 1937, c. 257, s. 119.

Books as
evidence.

64.—(1) In any action or proceeding against a corporation the books mentioned in sections 58 and 59 shall be *prima facie* evidence of the facts purported to be thereby stated.

Idem.

(2) The books of a corporation shall be *prima facie* evidence of the truth of all matters purporting to be therein recorded as between the corporation and its shareholders, and as between its shareholders. R.S.O. 1937, c. 257, s. 151, *amended*.

AUDIT; STATEMENT TO SHAREHOLDERS.

65.—(1) The accounts of a registered corporation shall be examined at least once in every year and the correctness of the balance sheet shall be ascertained by two or more auditors, who shall be accountants. Annual audit.

(2) The first auditors of a corporation may be appointed by the directors before the first meeting of the shareholders and shall hold office until the first general meeting. First auditors.

(3) Thereafter the auditors shall be appointed by resolution at a general meeting of the corporation and shall hold office until the next annual meeting unless previously removed by a resolution of the shareholders in general meeting. R.S.O. 1937, c. 257, s. 113 (1-3). Appointment of auditors.

(4) The auditors may be shareholders in the corporation, but no person shall be eligible as an auditor who is interested otherwise than as a shareholder in any transaction of the corporation, and no director, officer or employee of the corporation shall be eligible during his continuance in office. R.S.O. 1937, c. 257, s. 113 (4), *amended*. Auditors may be shareholders.

(5) If an appointment of auditors is not made at an annual meeting the Registrar may, on the application of any shareholder of the corporation, appoint an auditor of the corporation for the current year, and fix the remuneration, if any, to be paid to him by the corporation for his services. Registrar may appoint.

(6) The directors may fill any casual vacancy in the office of auditor, but while any such vacancy continues the surviving or continuing auditor or auditors, if any, may act, and any auditor shall be eligible for re-appointment. Directors may fill vacancies.

(7) The directors may, by a two-thirds vote, suspend any auditor for incapacity, misconduct or negligence until the next general meeting of the corporation, and in the event of suspension shall appoint an auditor *ad interim*. Suspension of auditors.

(8) The remuneration of the auditors shall be fixed by the corporation in general meeting, except that the remuneration of any auditors appointed before the first general meeting or to fill any casual vacancy may be fixed by the directors. Remuneration of auditors.

(9) Every auditor shall have the right of access at all times to the books and accounts, cash, securities, documents and vouchers of the corporation, and shall be entitled to require from the directors and officers of the corporation such information and explanation as he may require. R.S.O. 1937, c. 257, s. 113 (5-9). Auditor's right of access to books.

Checking
cash and
verifying
securities.

(10) It shall be the duty of the auditors, at least once during their term of office, to check the cash and verify the securities of the corporation at the chief office of the corporation, against the entries in regard thereto in the books of the corporation, and, should they deem it necessary, to check and verify in the same manner the cash and securities at any branch or agency. R.S.O. 1937, c. 257, s. 113 (10).

Report to
share-
holders.

(11) The auditors shall make report to the shareholders,—

- (a) that they have examined the books for the year ending 31st day of December and have verified the cash, bank balances and securities of the corporation and stating whether or not their requirements as auditors have been complied with;
- (b) that they have examined the statement and that it agrees with the books of the corporation;
- (c) that after due consideration they have formed an independent opinion as to the position of the corporation;
- (d) that with their independent opinion so formed and according to the best of their information and the explanations given them they certify that in their opinion the statement sets forth fairly and truly the state of the affairs of the corporation;
- (e) that all transactions of the corporation that have come within their notice have been within the powers of the corporation. R.S.O. 1937, c. 257, s. 113 (11), *amended*.

Annual
statement
to share-
holders,—

66.—(1) Every corporation shall at least once in every year cause to be prepared a general statement of its affairs in the form prescribed by the Registrar.

to state that
it is corpora-
tion's state-
ment;

(2) Every such statement shall have on the head thereof a printed notice in conspicuous type stating that the statement is the statement of the corporation.

attesting
and
verifying;

(3) Every such statement shall be attested by the signature of the president or vice-president and the managing director or some other principal officer of the corporation and shall contain a certificate signed by the auditors reporting as provided in section 65.

to be mailed
or delivered
to share-
holders;

(4) A copy of such statement shall be mailed or delivered without charge to every shareholder of the corporation at least ten days before the annual meeting. R.S.O. 1937, c. 257, s. 114 (1-4).

(5) A copy of such statement shall be mailed or delivered without charge to any debenture holder, holder of guaranteed investment certificate or depositor of the corporation who requests the same. 1946, c. 48, s. 9, *amended*. to debenture holders, etc.

BORROWING POWERS OF LOAN AND LOANING LAND CORPORATIONS.

67. Sections 68 to 73 shall apply to every loan corporation and loaning land corporation incorporated under the law of Ontario or having its head office in Ontario, and also to every loan corporation borrowing in Ontario by taking deposits or issuing debentures or like obligations, and to every loaning land corporation so borrowing by issuing debentures or like obligations. R.S.O. 1937, c. 257, s. 46, *amended*. Application of ss. 68 to 73.

68.—(1) No corporation constituted with joint stock capital, unless and until it has a subscribed permanent stock of at least \$300,000 on which at least \$100,000 has been actually paid in and is unimpaired, and no corporation constituted without joint stock capital, unless and until it has a paid up, unimpaired, permanent and non-withdrawable capital of at least \$100,000, shall exercise any of the borrowing powers conferred by this Act. R.S.O. 1937, c. 257, s. 47 (1). Amount of capital to be subscribed and paid before borrowing.

(2) Where a corporation constituted with joint stock capital has subscribed permanent stock of at least \$300,000, on which at least \$100,000 has been actually paid in and is unimpaired, or where a corporation constituted without joint stock capital has a paid up, unimpaired, permanent and non-withdrawable capital of at least \$100,000, subject to the limitations and restrictions contained in this Act, the directors, pursuant to powers conferred in that behalf by any by-laws or rules of the corporation passed at any general meeting, called with due notice of such proposed by-laws and rules, may borrow money on behalf of the corporation at such rates of interest, and upon such terms as they from time to time think proper, and may for that purpose, subject as hereinafter provided, receive money on loan or on deposit, other than and in addition to money received in respect of shares of the corporation, and issue terminable debentures, bonds and other obligations, as well as execute mortgages under the seal of the corporation, for sums of not less than \$100 each, or may assign, transfer or deposit by way of equitable mortgage or otherwise, for the sum so borrowed, any of the documents of title, deed, muniments, securities or property of the corporation, and either with or without power of sale or other special provisions, as they deem expedient. R.S.O. 1937, c. 257, s. 47 (2), *amended*. Borrowing powers.

69.—(1) A corporation shall not, without the express consent of the shareholders given at a general meeting called Loan corporation receiving money on deposit.

with due notice of the proposal, receive money on deposit, otherwise than in respect of shares of the corporation, and when money is otherwise received on deposit the same shall, for the purposes of this Act, be deemed to be money borrowed by the corporation, and with interest thereon as agreed shall be repayable by the corporation either at a time certain, or upon notice, not being less than thirty days, unless notice, or such notice, is waived. R.S.O. 1937, c. 257, s. 48 (1), *amended*.

Loaning
land cor-
poration.

(2) A loaning land corporation shall not be entitled to receive deposits.

Ranking of
creditors
on deposits.

(3) In respect of deposits, creditors shall rank upon the assets of the corporation *pari passu* with the holders of debentures. R.S.O. 1937, c. 257, s. 48 (2, 3), *amended*.

Limit of
deposits.

(4) The amount to be received by any corporation entitled to receive deposits shall not at any time exceed an amount equal to twice the aggregate amount of the then actually paid in and unimpaired permanent capital and of the then actual reserve fund of the corporation plus the amount of its cash actually in hand or in any chartered bank to the credit of the corporation and beneficially owned by the corporation and not included in either the permanent capital or reserve fund; provided that subject to the limitation set out in subsection 2 of section 72, the Lieutenant-Governor in Council may, upon such terms and conditions as may be prescribed, increase the amount of deposits that may be received by any such corporation. R.S.O. 1937, c. 257, s. 48 (4); 1946, c. 48, s. 5, *amended*.

Proviso.

Dividends,
etc., not to
be paid out
of reserve.

(5) No dividend or bonus shall be paid or declared either wholly or in part out of the reserve fund that has the effect of diminishing such aggregate below the amount required by this Act for the borrowings of the corporation. R.S.O. 1937, c. 257, s. 48 (5).

Confirming
by-law

70. No by-law for any of the purposes mentioned in sections 68 and 69 shall take effect until it is confirmed by a vote of shareholders present or represented by proxy at a general meeting of the corporation duly called for considering such by-law, and holding not less than two-thirds of the issued capital stock of the corporation represented at such meeting. R.S.O. 1937, c. 251, s. 79, *amended*.

Reserves
required on
deposits.

71. Every loan corporation shall at all times maintain cash on hand and on deposit, debentures, bonds, stock or other securities of a kind referred to in section 143, and loans payable on demand and fully secured by such securities, to an aggregate amount of at least twenty per centum of the amount of money deposited with the corporation. 1946, c. 48, s. 6.

72.—(1) Debentures shall be for such sums, not being less than \$100, and in such currency as the directors deem advisable, and shall be payable not less than one year from the issue thereof, at such place as may be therein mentioned. Denomination and term of debentures. R.S.O. 1937, c. 257, s. 50 (1); 1945 (2nd Sess.), c. 4, s. 3.

(2) The total amount borrowed by a corporation on debentures and other securities and by way of deposits shall not exceed four times the aggregate amount of the then actually paid in and unimpaired permanent capital and of the then actual reserve fund of the corporation, plus the amount of its cash actually on hand or in any chartered bank of Canada, to the credit of the corporation and beneficially owned by the corporation and not included in either the permanent capital or reserve fund provided that the Lieutenant-Governor in Council may, on the report of the Registrar, and upon such terms and conditions as may be prescribed, increase the amount which may be borrowed, to a sum not exceeding ten times the aggregate amount from time to time of such permanent capital and reserve fund plus cash. Limit of borrowing powers of loan corporations. R.S.O. 1937, c. 257, s. 50 (2), *amended*.

73. In ascertaining the extent of the borrowing powers of a corporation all loans or advances to its shareholders upon the security of their shares shall be deducted from the amount of the paid in capital. Deduction to be made in estimating the paid in capital. R.S.O. 1937, c. 257, s. 51.

POWERS OF TRUST COMPANIES.

74. Subject to sections 76, 77 and 78, a provincial trust company may and any other registered trust company that has capacity to do so may,— Powers conferred on trust companies.

- (a) take, receive and hold all estates and real and personal property that may be granted, committed, transferred or conveyed to the company with its consent, upon any trust or trusts whatsoever not contrary to law, at any time or times, by any person or persons, body or bodies corporate, or by any court of competent jurisdiction;
- (b) take and receive as trustee or as bailee, upon such terms and for such remuneration as may be agreed upon, deeds, wills, policies of insurance, bonds, debentures or other valuable papers or securities for money, jewelry, plate or other chattel property of any kind, and to guarantee the safe-keeping of the same; R.S.O. 1937, c. 257, s. 18 (1), cls. (a, b).
- (c) receive and store for safe-keeping all kinds of securities and personal property and rent spaces or compart-

ments for the storage of securities or personal property and enter into all legal contracts for regulating the terms and conditions upon which such business shall be carried on; *New.*

- (d) act generally as attorney or agent for the transaction of business, the management of estates, the collection of loans, rents, interest, dividends, debts, mortgages, debentures, bonds, bills, notes, coupons and other securities for money;
- (e) act as agent for the purpose of issuing or counter-signing certificates of stock, bonds or other obligations of any association or municipal or other corporation, and to receive, invest and manage any sinking fund therefor on such terms as may be agreed upon;
- (f) accept and execute the offices of executor, administrator, trustee, receiver, liquidator, assignee, custodian, trustee in bankruptcy, or of trustee for the benefit of creditors, and of guardian of any minor's estate, or committee of any mentally incompetent person's estate, and to accept the duty of and act generally in the winding up of estates, partnerships, companies and corporations;
- (g) invest any trust money in the hands of the company in any securities in which private trustees may by law invest trust money;
- (h) guarantee any investment made by the company as trustee, agent or otherwise;
- (i) sell, pledge or mortgage any mortgage or other security, or any other real or personal property held by the company, and make and execute all requisite conveyances and assurances in respect thereof;
- (j) make, enter into, deliver, accept and receive all deeds, conveyances, assurances, transfers, assignments, grants and contracts necessary to carry out the purposes of the company, and promote its objects and business;
- (k) charge, collect and receive all proper remuneration, legal, usual and customary costs, charges and expenses for all such services, duties and trusts. R.S.O. 1937, c. 257, s. 18 (1), cls. (c-j).

75. A provincial trust company shall not have power to take deposits by way of borrowing money. R.S.O. 1937, c.2 57, s. 16 (2), *amended*.

Trust companies not to borrow by accepting deposits.

76.—(1) Subject to section 132, a provincial trust company, and any other registered trust company that has capacity to do so, may receive deposits of money repayable upon demand or after notice and may pay interest thereon at such rates and on such terms as the company may from time to time establish and the company shall be entitled to retain the interest and profit resulting from the investment or loaning of such deposit money in excess of the amount of interest payable to depositors.

Deposits,—power to receive;

(2) Every trust company receiving deposits in the manner authorized by subsection 1 shall be deemed to hold the same as trustee for the depositors and to guarantee repayment thereof and there shall be ear-marked and definitely set aside in respect thereof securities, or cash and securities, equal to the full aggregate amount thereof, and for the purposes of this subsection “cash” includes moneys on deposit and “securities” includes loans made upon securities.

to be deemed trust moneys and to be guaranteed;

(3) Every trust company receiving moneys on deposit under this section shall keep a record in the form approved by the Registrar, in which shall be entered all sums so received and the names and addresses so far as known, of the persons from whom they are received. R.S.O. 1937, c. 257, s. 18 (3-5), *amended*.

record of.

77. A provincial trust company shall not have power to borrow money by issuing debentures. R.S.O. 1937, c. 257, s. 16 (1), *amended*.

Debentures.

78.—(1) Subject to section 132, a provincial trust company, and any other registered trust company that has capacity to do so, may receive money for the purpose of its being invested by the company and may guarantee the repayment of money so received and the payment of the interest thereon at such rate as may be agreed upon on fixed days.

Money for investment.

(2) Such guarantee by the company shall not be deemed to be a debenture and the money shall not be deemed to be money borrowed by the company by issuing debentures but to be money received in trust, and, in such cases, the company shall be entitled to retain the interest and profits resulting from the investment or loaning of such moneys in excess of the amount of interest payable thereon. R.S.O. 1937, c. 257, s. 16 (1), *amended*.

Guarantee.

Securities
allocated to
guaranteed
investment.

(3) Where it is provided by the agreement under which moneys are received by the company for guaranteed investment as mentioned in subsection 1 that specific securities shall be allocated in respect thereof, such securities shall be ear-marked and definitely set aside in respect thereof, and in respect of all other moneys received for guaranteed investment as mentioned in subsection 1 there shall be ear-marked and definitely set aside in respect thereof securities, or cash and securities, equal to the full aggregate amount thereof, and for the purposes of this subsection "cash" includes moneys on deposit and "securities" includes loans made upon securities. R.S.O. 1937, c. 257, s. 17 (2), *amended*.

Liability,—
extent of.

79.—(1) The liability of a trust company to persons interested in an estate held by the company as executor, administrator, trustee, receiver, liquidator, assignee, guardian, or committee shall be the same as if the estate had been held by any private person in the like capacity, and the company's powers shall be the same. R.S.O. 1937, c. 257, s. 20.

Approval of
company as
executor,
etc.

(2) Where a trust company is authorized to execute the office of executor, administrator, trustee, receiver, liquidator, assignee, guardian or committee, and the Lieutenant-Governor in Council approves of the company being accepted as a trust company for the purposes of the Supreme Court, every court or judge having authority to appoint such an officer may, with the consent of the company, appoint the company to exercise any of such offices in respect of any estate or person under the authority of such court or judge, or may grant to the company probate of any will in which the company is named as an executor; but no company that has issued or has authority to issue debentures or debenture stock, or which has received or has authority to receive deposits, except in the manner authorized by this Act shall be approved.

Appoint-
ment of
company
as sole

(3) A trust company so approved may be appointed to be a sole trustee, notwithstanding that but for this Act it would be necessary to appoint more than one trustee.

or joint
trustee.

(4) A trust company so approved may be appointed to any of the offices mentioned in subsection 2 jointly with another person.

When ap-
pointment
may be made
by court.

(5) Such appointment may be made whether the trustee is required under the provisions of any deed, will or document creating a trust or whether the appointment is under the provisions of *The Trustee Act* or otherwise.

Rev. Stat.,
c. 165.

(6) Notwithstanding any rule or practice or any provision of any Act requiring security it shall not be necessary for the company to give any security for the due performance of its duty as such executor, administrator, trustee, receiver, liquidator, assignee, guardian or committee unless otherwise ordered. Security not required.

(7) The Lieutenant-Governor in Council may at any time revoke the approval given under this section. R.S.O. 1937, c. 257, s. 21. Revocation of approval.

80. Every trust company shall at all times maintain cash on hand and on deposit, debentures, bonds, stocks or other securities of a kind referred to in subsection 3 of section 142 and loans payable on demand and fully secured by such securities, to an aggregate amount of at least twenty per centum of the amount of money deposited with the company in the manner authorized by subsection 1 of section 76. *New.* Reserves required on deposits.

GENERAL POWERS.

81.—(1) Every corporation may establish and support or aid in the establishment and support of associations, institutions, funds, trusts and conveniences calculated to benefit employees or ex-employees of the company, or its predecessors in business, or the dependants or connections of such persons, and to grant pensions and allowances and make payments towards insurance or for any object similar to those set forth in this subsection, and to subscribe or guarantee money for charitable or benevolent objects, or for any exhibition or for any public, general or useful object. R.S.O. 1937, c. 257, s. 22; 1939, c. 47, s. 17 (1), *amended.* Powers of corporation as to benefit funds, etc., for employees and their families.

(2) Every provincial corporation shall be deemed to have possessed since the date of its incorporation the powers set forth in subsection 1 including the power to exercise such powers jointly with any registered corporation, by whatever authority incorporated, possessing the same or similar powers, in such a way as to benefit the employees, or ex-employees, of such corporations or predecessors in business of such corporations or the dependants or connections of such persons. 1939, c. 47, s. 17 (2), *amended.* Declaration as to powers of corporation.

82. The charter or other instrument of incorporation of a corporation may at any time, for cause shown to his satisfaction, be suspended or revoked by the Lieutenant-Governor in Council. R.S.O. 1937, c. 257, s. 23, *amended.* Suspension or revocation of charter.

83. Every provincial corporation shall, unless it is otherwise expressly declared in the Act or instrument creating it, have and be deemed from its creation to have had the general Capacity of corporations.

capacity that the common law ordinarily attaches to corporations created by charter. *New.*

Extension
of business
beyond the
Province.

84.—(1) Where the existence or operation of a provincial corporation is not by the Act or instrument creating it, limited in time or area the corporation may, in general meeting of the shareholders, called for the purpose by notice duly given, pass a by-law authorizing its directors to extend the business of the corporation beyond Ontario, but in compliance with the law of the place to which the business may be so extended, and the directors may give effect to such by-law without being liable or responsible for any breach of trust in so doing.

Erection or
purchase of
buildings
required
for use of
corporation.

(2) Where, as provided in this section, a provincial corporation carries on business outside of Ontario the corporation may in general meeting of the shareholders, called for the purpose by notice duly given, pass a by-law authorizing the directors to invest the money of the corporation in the erection or purchase of buildings required for the occupation of the corporation in any place where the corporation is so carrying on business and in conformity with the law of such place. R.S.O. 1937, c. 257, s. 24, *amended.*

Reserve
fund.

85. A corporation may maintain a reserve fund out of its earnings or other income not required to meet its present liabilities. R.S.O. 1937, c. 257, s. 37, *amended.*

Prohibition
or limitation
of loans
upon shares.

86.—(1) A corporation may pass a by-law prohibiting the loaning to shareholders upon the security of their shares, or, subject to the limitations contained in this section, may pass a by-law fixing the aggregate amount that may be loaned on such shares, and neither of such by-laws shall be repealed until all liabilities of the corporation are discharged.

Limitation
as to loans
on its own
stock.

(2) Subject to subsection 1 the corporation may lend upon its own paid up stock to an amount not exceeding at any one time in the aggregate of all such loans ten per centum of the corporation's paid up stock.

Margin.

(3) No such loan shall exceed eighty per centum of the market price of the stock. R.S.O. 1937, c. 257, s. 38.

Not to lend
on own
stock.

87. A corporation shall not, except in the manner provided by section 86, lend on its own shares with or without collateral security. R.S.O. 1937, c. 257, s. 39.

Prohibition
against
acting as
insurance
agent.

88.—(1) No corporation, and no director, officer or employee thereof, either personally or on behalf of such corporation, and no other company the majority of the capital stock of which is owned or controlled by such corporation,

its shareholders, directors, officers or employees, shall, either directly or indirectly, transact the business of or act as insurance agent or broker within the meaning of *The Insurance Act*, or exercise pressure upon any borrower or mortgagor to place insurance for the security of such corporation, in or through any particular agency or brokerage office; provided that nothing in this section shall prevent such corporation from stipulating in its contract of loan that any required insurance must be effected with an approved insurer. Rev. Stat. c. 256.

(2) Subsection 1 shall not apply to the director of a corporation who is able to satisfy the Superintendent of Insurance that the business of insurance is his major occupation. Exception R.S.O. 1937, c. 257, s. 40.

89. A person not of the full age of twenty-one years may deposit money with a registered corporation in his own name, and the same may be repaid to him, and he may give a valid discharge therefor, notwithstanding his minority. Minors may make deposits. R.S.O. 1937, c. 257, s. 71.

90.—(1) A corporation shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any share of its stock, or any deposit, guaranteed investment certificate or debenture may be subject. Trusts

(2) The receipt of the person in whose name any such share, deposit, guaranteed investment certificate or debenture stands in the books of the corporation shall be a sufficient discharge to the corporation for any payment made in respect thereof, and a direction to transfer, signed by the person in whose name any such share, deposit, guaranteed investment certificate or debenture stands in the books of the corporation, shall be sufficient authority to the corporation for any transfer made in respect thereof, notwithstanding any trust to which the same may then be subject and whether the corporation has or has not had notice of the trust. Sufficient discharge R.S.O. 1937, c. 257, s. 72 (1, 2), *amended*.

(3) A corporation shall not be bound to see to the application of the money paid upon such receipt. Application of money paid. R.S.O. 1937, c. 257, s. 72 (3).

91. A provincial corporation may, by writing under its seal, empower any person, either generally or in respect of any specified matters, as its attorney, to execute on its behalf, deeds to which it is a party in any capacity in any place situate within or without Ontario, and every deed signed by such attorney, on behalf of the corporation and under his seal, shall bind the corporation and have the same effect as if it were under the seal of the corporation. Power of attorney by corporation. R.S.O. 1937, c. 257, s. 73, *amended*.

Official seal for use abroad.

92.—(1) A provincial corporation may have a seal to be known as the “official seal” for use in any territory, district or place not situate in Ontario, which shall be a facsimile of the seal of the corporation, with the addition on its face of the name of the territory, district or place where it is to be used.

Authority to agent to affix seal.

(2) A corporation having an official seal may, by writing under its seal, authorize any person appointed for the purpose in any territory, district or place not situate in Ontario, to affix the same to any deed or other document to which the company is party in any capacity in that territory, district or place. R.S.O. 1937, c. 257, s. 74 (1, 2).

Certifying date and period of sealing.

(3) The person affixing an official seal shall, by writing under his hand, on the deed or other document to which the seal is affixed, certify the date and place of affixing the same.

Effect of official seal.

(4) A deed or other document to which an official seal is duly affixed shall bind the corporation as if it had been sealed with the seal of the corporation. R.S.O. 1937, c. 257, s. 74 (4, 5).

AMALGAMATION OF CORPORATIONS AND PURCHASE AND SALE OF ASSETS.

Power to unite with other corporations and to purchase or sell assets.

93.—(1) Any registered loan corporation or loaning land corporation may unite, merge, amalgamate and consolidate its stock, property, business and franchises with those of any other loan corporation or loaning land corporation in Canada, or may purchase the assets of any such corporation, or may sell its assets to any registered corporation, and for the purpose of carrying out such purchase or sale the purchasing corporation shall assume the liabilities of the vendor corporation, and may enter into such bond or agreement of indemnity with the corporation or the individual shareholders thereof, or both, as may be necessary, and the corporations may enter into the contracts and agreements necessary to such union, merger, amalgamation, consolidation, sale or purchase. R.S.O. 1937, c. 257, s. 59, *amended*.

Sections 94-101 not to apply.

(2) Sections 94 to 101 shall not apply to the purchase by a registered extra provincial corporation of the assets of a corporation that is not registered under this Act. *New*.

Directors may make agreement for amalgamation or for purchase or sale of assets.

94.—(1) The directors of any corporation mentioned in section 93 may enter provisionally into a joint agreement under the seal of each of the corporations for the union, merger, amalgamation or consolidation of the corporations, or for the sale or purchase by the one corporation of the assets of the other corporation. R.S.O. 1937, c. 257, s. 60 (1), *amended*.

(2) The agreement shall prescribe the terms and conditions of the proposed transaction, and the mode of carrying the same into effect. Matters to be specified in agreement.

(3) If the two corporations are to be merged into one corporation the agreement shall specify the name of the new or of the continuing corporation, and the number of directors and the officers thereof, and shall state who shall be the first directors and officers, the capital stock, the number of shares into which such stock is divided, the par value of the shares and the manner of converting the capital stock of each of the existing corporations into that of the new or continuing corporation. R.S.O. 1937, c. 257, s. 60 (2, 3). Idem.

(4) The agreement shall contain such other details as the directors of the corporations deem necessary to perfect the new organization, and the union, merger, amalgamation and consolidation, and the after management and working thereof, and to complete the terms and mode of payment for the assets of one corporation purchased or acquired by the other. R.S.O. 1937, c. 257, s. 60 (4), *amended*. Other details.

(5) In any agreement for the purchase and sale of assets, the consideration may consist wholly or in part of partly paid or of paid up shares of the permanent capital stock of the purchasing corporation. Consideration.

(6) Such agreement, or if no agreement has been entered into but an offer has been made by a corporation under its seal for the purchase of the assets of another corporation such offer, shall be submitted to the shareholders of each corporation at a meeting thereof to be held separately for the purpose of taking the agreement or the offer into consideration. Agreement to be subject to approval of shareholders.

(7) Notice of the time and place of the meeting of the corporation in which he holds shares and the objects thereof shall be given by written or printed notice addressed to every shareholder, together with a copy of the proposed agreement, at his last known post office address, and also by a general notice in a newspaper published at the chief place of business of the corporation once a week for six successive weeks. Notice of meeting to consider agreement.

(8) A like notice, together with two copies of the proposed agreement, shall be delivered to the Registrar at least one month before the date of either of the meetings of shareholders called to consider it. R.S.O. 1937, c. 257, s. 60 (5-8). Notice to Registrar.

95. At each of the meetings of shareholders the agreement or offer shall be considered, and if at each meeting the agreement or offer is ratified or accepted by resolution passed Proceedings to ratify agreement.

by at least a three-fourths vote of such shares as are represented in person or by proxy and representing at least fifty per centum of the issued capital stock of the corporation, that fact shall be certified upon the agreement or offer by the secretary or manager under the seal of the corporation. 1946, c. 48, s. 7.

Dispensing
with rati-
fication.

96. The Lieutenant-Governor in Council, in the case of a proposed purchase of assets, may dispense with the ratification or acceptance of the agreement or offer by the shareholders of the purchasing corporation where it is shown to his satisfaction that the shareholders, after due notice thereof, have ratified a general resolution or by-law authorizing the purchase of the assets of any loan corporation upon the basis and within the limits specified in such agreement or offer. R.S.O. 1937, c. 257, s. 63.

Ratified
agreement
to be filed
with
Registrar.

97.—(1) If the agreement is ratified or the offer is accepted at the meeting of the shareholders of each of the corporations, or in the case provided for in section 96 at the meeting of the shareholders of the selling corporation, the agreement or offer, with the certificates or certificate thereon, shall be filed with the Registrar.

Assent.

(2) The Registrar shall submit the agreement or offer for the assent of the Lieutenant-Governor in Council.

Effect of
assent.

(3) If the Lieutenant-Governor in Council assents thereto, the agreement or offer shall be deemed to be the agreement and act of union, amalgamation and consolidation of the corporations, or the agreement and deed of purchase and acquisition of the assets of the selling corporation by the purchasing corporation. R.S.O. 1937, c. 257, s. 64.

Certificate
of assent.

98.—(1) Upon proof that the foregoing requirements have been duly complied with the Minister shall issue a certificate under his hand and seal certifying the assent of the Lieutenant-Governor in Council and the date thereof, and declaring the purchase and the sale of the assets and the names of the corporations parties thereto, or, in the case of amalgamation, declaring the amalgamation of the corporations, naming them, and the name of the new or of the continuing corporation, together with such other matters, if any, as may appear to him necessary or desirable in the public interest.

Effect as
evidence.

(2) The certificate of the Minister shall for all purposes and in all courts be conclusive evidence of all matters therein certified or declared.

(3) The Registrar shall give public notice in *The Ontario Gazette* of the issue of the Minister's certificate.

(4) It shall be sufficient to register a certified copy of the Minister's certificate in each registry division or land titles office in which instruments affecting lands or interests in lands included or intended to be included in the transfer or amalgamation, are registered.

Registration
of certificate
of assent.

(5) The fee payable for the registration shall be \$1 if the certificate is five folios or less, and ten cents for each additional folio.

Fee payable
for regis-
tration.

(6) Any document under the hand or purporting to be under the hand of the Registrar, certifying the document to be or to contain a true copy of the Minister's certificate or of any instrument referred to in the certificate, shall be registered in any registry division by the registrar thereof or by the master or local master of titles upon the same being tendered to him for registration accompanied by the proper fee.

Certificate
of Registrar.

(7) The certificate shall be entered in the general register of the registry division or in the book kept in the land titles office.

Registration
in general
register.

(8) Copies so certified of any such certificate or instrument shall be received by the master of titles and local masters of titles, under the provisions of *The Land Titles Act*, as conclusive evidence of all matters therein certified or declared.

Certified
copies of cer-
tificate.
Rev. Stat.,
c. 174.

(9) For the purpose of any instrument required to be registered or filed under *The Bills of Sale and Chattel Mortgage Act*, it shall be sufficient in order to show the transmission of title in respect of any personal property or interest in personal property included or intended to be included in a transfer or amalgamation, such as is mentioned in section 97 and this section, if the instrument affecting such property or interest recites the certificate registered as provided in subsection 4 and states the registry division in which the same is registered and its registration number.

Bills
of sale and
chattel
mortgages.

Rev. Stat.,
c. 181.

(10) This section shall extend to and include any such certificate or certified copy issued or purporting to have been issued under *The Loan Corporations Act* since the 13th day of April, 1897. R.S.O. 1937, c. 257, s. 65.

Application
of section.

R.S.O.
1897, c. 205.

99. The Registrar may, by a certificate under his hand and seal endorsed upon or identifying the agreement or offer mentioned in subsection 6 of section 94, or any counterpart or copy thereof, certify that the agreement or offer has been assented to by the Lieutenant-Governor in Council, and his

Evidence of
assent of the
Lieutenant-
Governor
in Council.

certificate with a copy of the Order in Council attached shall be *prima facie* evidence of such assent. R.S.O. 1937, c. 257, s. 66.

Assets of selling corporation to vest in purchasing corporation.

100.—(1) In the case of a purchase and sale of assets so assented to, the assets of the selling corporation shall become vested in the purchasing corporation on and from the date of such assent without any further conveyance and the purchasing corporation shall thereupon become and be responsible for the liabilities of the selling corporation.

Disposal of assets by purchasing corporation.

(2) In dealing with the assets of the selling corporation it shall be sufficient for the purchasing corporation to recite the agreement and the assent of the Lieutenant-Governor in Council thereto, with the date of the assent.

Rights of creditors.

(3) No such transfer shall affect the rights of any creditor of the transferring corporation.

Privity of contract between purchasing corporation and each creditor of selling corporation.

(4) By every such agreement made or purporting to be made under this Act the purchasing corporation shall be deemed to covenant and agree with each creditor of the selling corporation that the purchasing corporation will pay to him the sum in which the selling corporation is indebted to him at such time and place as such sum would have been payable had such agreement not been made.

Dissolution of selling corporation and of corporations amalgamated.

(5) Where the Lieutenant-Governor in Council assents to an agreement for the sale of the assets of a corporation, or to an agreement for the amalgamation of two or more corporations, the selling corporation, or the several corporations amalgamated, as the case may be, shall, from the date of the assent, be dissolved except so far as is necessary to give full effect to the agreement. R.S.O. 1937, c. 257, s. 67.

Property and rights of both companies vested in new corporation.

101.—(1) In the case of an amalgamation the corporations parties thereto shall, from the date of the assent of the Lieutenant-Governor in Council, be consolidated and amalgamated and be merged in and form one corporation by the name stated in the Minister's certificate, and shall, subject to the law of Ontario, possess all the rights, privileges and franchises of each of the amalgamated corporations.

Business and property vested in new corporation.

(2) From the date of the assent all the business, real and personal property, and all the rights and incidents appurtenant thereto, all stock, mortgages, or other securities, subscriptions and other debts due, and other things in action belonging to each of the corporations shall be vested in the new or continuing corporation without further act or deed.

(3) All rights of creditors and liens upon the property of each of the corporations shall be unimpaired by the amalgamation. Creditors' rights.

(4) All debts, liabilities and duties of each of the amalgamated corporations shall thenceforth attach to the new or continuing corporation, and may be enforced against it to the same extent as if the same had been incurred or contracted by it. R.S.O. 1937, c. 257, s. 68. Debts and liabilities.

102.—(1) In this section “fiduciary” includes trustee, bailee, executor, administrator, assignee, guardian, committee, receiver, liquidator or agent, and “instrument” includes every will, codicil, or other testamentary document, settlement, instrument of creation, deed, mortgage, assignment, Act of the Legislature, and a judgment, decree, order, direction and appointment of any court, judge, or other constituted authority. R.S.O. 1937, c. 257, s. 69 (1), *amended*. Interpretation,—“fiduciary”; “instrument”.

(2) Any registered trust company may unite, merge, amalgamate and consolidate its stock, property, business and franchises with those of any other trust company in Canada or may purchase the assets of any corporation in Canada or may sell its assets to any registered trust company, and for the purpose of carrying out such purchase or sale the purchasing corporation shall assume the liabilities of the vendor corporation, and may enter into such bond or agreement of indemnity with the vendor corporation or the individual shareholders thereof, or both, as may be necessary, and the corporations may enter into the agreements necessary to such union, merger, amalgamation, consolidation, sale or purchase, and subsection 2 of section 93 and sections 94 to 101 shall apply *mutatis mutandis* thereto. Power of trust companies to unite with other corporations and to purchase or sell assets.

(3) In the case of a purchase of the assets of a loan corporation by a trust company pursuant to subsection 2 the trust company shall definitely set aside in respect of any debentures and deposits of the loan corporation of which the trust company assumes payment, securities, or cash and securities, equal to the aggregate amount of such debentures and deposits, and for the purposes of this subsection “cash” includes moneys on deposit and “securities” includes loans made upon securities. R.S.O. 1937, c. 257, s. 69 (2), *amended*. Where trust company purchases assets of loan corporation.

(4) On and from the assent of the Lieutenant-Governor in Council, as provided in subsection 1 of section 98, to the purchase and sale, or to the amalgamation, all trusts of every kind and description, including incomplete or inchoate trusts, and every duty assumed by or binding upon either of the corporations, parties to the purchase and sale, or to the amalgamation, shall be vested in and bind and may be enforced Trusts to pass to new companies.

against the purchasing or new or continuing corporation as fully and effectually as if it had been originally named as the fiduciary in the instrument.

Subject
matter of
trust to
vest in new
company.

(5) Whenever in any instrument any estate, money or other property, or any interest, possibility or right is intended at the time or times of the publishing, making or signing of the instrument to be thereafter vested in or administered or managed by or put in the charge of the selling corporation or of either of the amalgamated corporations as the fiduciary, the name of the new or continuing corporation shall be deemed to be substituted for the name of the old corporation, and such instrument shall vest the subject matter therein described in the new or continuing corporation according to the tenor of, and at the time indicated or intended by the instrument, and the new or continuing corporation shall be deemed to stand in the place and stead of the old corporation.

References
in will or
codicil.

(6) Where the name of the selling corporation or of either of the amalgamated corporations appears as executor, trustee, guardian, or curator in a will or codicil such will or codicil shall be read, construed and enforced as if the new or continuing corporation was so named therein, and it shall, in respect of the will or codicil, have the same status and rights as the selling or amalgamating corporation.

Duties of
old corpora-
tion not
completed.

(7) In all probates, administrations, guardianships, curatorships or appointments of administrator or guardian *ad litem* issued or made by any court of Ontario to the selling corporation or to either of the amalgamated corporations, from which at the date of such assent it had not been finally discharged, the new or continuing corporations shall *ipso facto* be substituted therefor. R.S.O. 1937, c. 257, s. 69 (3-6).

REGISTRAR.

Appoint-
ment.

103.—(1) There shall be a Registrar and an assistant registrar who shall be appointed by the Lieutenant-Governor in Council.

Assistant
registrar,
duties of.

(2) The assistant registrar shall perform the duties of the Registrar in the case of the latter's absence or illness, or of a vacancy in the office of Registrar, and shall also perform such other duties as may be assigned to him by the Lieutenant-Governor in Council, by the Minister or by the Registrar.

Actions
against
Registrar.

(3) Without the leave of the Attorney General, no action or proceeding shall be brought or taken against the Registrar or assistant registrar for anything done or omitted in the performance, or intended or supposed performance, of his duty under this Act. R.S.O. 1937, c. 257, s. 124.

104. The Registrar shall have a seal of office, which shall Official seal. bear upon its face the words "Registrar of Loan and Trust Corporations". R.S.O. 1937, c. 257, s. 125, *amended*.

105.—(1) The Registrar shall keep,— Registers.

- (a) a register to be called the "Loan Companies' Register", wherein shall be recorded the names of such Loan Companies' Register. loan corporations as are from time to time entitled to registry;
- (b) a register to be called the "Loaning Land Companies' Loaning Land Companies' Register. Register", wherein shall be entered the names of such loaning land corporations as are from time to time entitled to registry; and
- (c) a register to be called the "Trust Companies' Register", wherein shall be entered the names of such Trust Companies' Register. trust companies as are from time to time entitled to registry. R.S.O. 1937, c. 257, s. 126 (1), *amended*.

(2) A corporation shall not be registered on more than one No corporation to be registered on more than one register. of such registers, and shall not transact or undertake business in Ontario other than the business for which it is registered. R.S.O. 1937, c. 257, s. 126 (2).

106.—(1) The duty of determining, distinguishing and Duties of Registrar. registering the corporations that under this Act are required to be registered and are entitled to registry, and of granting registry accordingly, shall devolve upon the Registrar subject to appeal as provided in section 120.

(2) For the purposes of his duties the Registrar may require Power to require evidence. to be made, or may take and receive affidavits or depositions, and may examine witnesses upon oath.

(3) The evidence and proceedings in any matter before the Registrar may be reported by a stenographer who has taken Employment of stenographer. an oath before the Registrar faithfully to report the same. R.S.O. 1937, c. 257, s. 127.

107.—(1) The Registrar shall prepare for the Minister Annual report. from statements filed by the corporations and from any inspection or inquiries made, an annual report, showing particulars of the business of each corporation as ascertained from such statements, inspection and inquiries and the report shall be printed and published forthwith after completion.

(2) In the report the Registrar shall allow as assets only Only authorized investments allowed as assets. such of the investments of the several corporations as are authorized by this Act or by their Acts of incorporation or by the general Acts applicable to such investments.

Corrections
in annual
statements.

(3) In the report the Registrar shall make all necessary corrections in the annual statements made by the corporations herein provided and shall be at liberty to increase or diminish the assets or liabilities of the corporations to the true and correct amounts thereof as ascertained by him in the examination of their affairs at the head office or any branch thereof or otherwise.

Appraise-
ment of
over-valued
real estate.

(4) If it appears to the Registrar or if he has any reason to suppose from the statements prepared and delivered to him by the corporations or otherwise, that the value placed by any corporation upon the real estate owned by it or any parcel thereof, is too great, or that the amount secured by mortgage or hypothec upon any parcel of real estate, together with interest due and accrued thereon is greater than the value of the parcel or that the parcel is not sufficient for the loan and interest, or that the value of any investments of the funds of the corporation or of its trust funds is less than the amount of the value of the investments shown in the books of the corporation, he may either require the corporation to secure an appraisal of such real estate or other security by one or more competent valuers or may himself procure such appraisal at the expense of the corporation and if it is made to appear that the value of such real estate or other security held, is less than the amount at which it is carried on the books of the corporation or is not adequate security for the loan and interest, he may write off such real estate, loan and interest, or investment, a sum sufficient to reduce the book value of the same to such amount as may fairly be realizable therefrom, such amount in no case to exceed the appraised value, and may insert such reduced amount in the report. R.S.O. 1937, c. 257, s. 122 (1-4).

Registrar
to have
access to
corporation
books, etc.

108.—(1) The Registrar or any person authorized under his hand and seal shall, with the approval of the Minister, have at any time within business hours access to the books, vouchers, securities and documents of a corporation, and any officer or person in charge, possession, custody or control of the books, vouchers, securities or documents refusing or neglecting to afford such access shall be guilty of an offence, and the corporation, if registered, shall be liable to have its registry suspended.

Cancellation
of registry
for refusing
access.

(2) The corporation, on continued refusal or neglect to afford such access, shall be liable to have its registry cancelled or not renewed after termination of the current certificate.

Special audit
in case of
fraud, etc.

(3) Where a corporation is three months in default in the delivery of the financial statement required by section 144 or upon proof that its accounts have been materially and

wilfully falsified, or that for eighteen consecutive months there has been no *bona fide* audit of the books and accounts, or where there is filed with the Registrar a requisition for audit bearing the signatures, addresses and occupations of at least twenty-five shareholders of the corporation, holding shares upon which not less than \$10,000 has been paid in, and alleging to the satisfaction of the Registrar specific fraudulent or illegal acts, or repudiation of contracts, or insolvency, and accompanied by a deposit of \$300 or such less sum as the Registrar may fix as security to cover the costs of the audit, the Registrar may nominate a competent accountant who shall under his direction make a special audit of the corporation's books, accounts and securities, and make to him a written report thereupon verified upon oath.

(4) A special auditor so appointed shall be sufficiently Credentials of auditor. accredited if he delivers to the secretary or to any managing officer of the corporation a written statement under the hand and seal of the Registrar to the effect that the Registrar has nominated him to audit the books, accounts and securities of the corporation.

(5) The expense of a special audit shall be borne by the Expenses of special audit. corporation, and the auditor's account therefor when approved in writing by the Registrar shall be conclusive and shall be payable forthwith.

(6) Where the facts alleged in the requisition appear to Payment of costs out of deposit. the Registrar to have been partly or wholly disproved by the audit, and he deems it just, he may pay the costs of the audit partly or wholly out of the deposit.

(7) The deposit or the balance, if any, remaining after Return of balance of deposit. payment of such costs shall be returned to the requisitioning shareholders upon the order of the Registrar.

(8) Where a corporation, by its officer, employee, servant or agent having in his custody, possession or power the funds, books, vouchers, securities, or documents of the corporation, refuses to have the same duly audited, as provided by section 65, or by this section or by section 109, or obstructs an auditor or examiner in the performance of his duties, the Registrar, upon proof of the fact, may suspend or cancel the registry of the corporation, or may terminate the registry upon the expiry of the current certificate of registry. Where corporation resists or obstructs audit.

(9) If the report of the special auditor appears to the Registrar to disclose fraudulent or illegal acts on the part of Report of special auditor. the corporation, or a repudiation of its contracts, or its insolvency, he shall notify the corporation accordingly and furnish it with a copy of the report, allowing two weeks for a statement in reply to be filed with him.

Registrar's
decision.

(10) Upon consideration of the report and of the corporation's statement in reply, and of such further evidence, documentary or oral, as he may require, the Registrar shall render his decision in writing, and may thereby continue or terminate, or suspend or cancel the registry of the corporation. R.S.O. 1937, c. 257, s. 147.

Appoint-
ment of
examiner.

109.—(1) The Minister, of his own motion or upon an application being made to him in writing, may appoint any competent person to make a special examination and audit of the corporation's books, accounts and securities, and to inquire into the conduct of the business of the corporation generally.

Evidence
upon which
inquiry to
be ordered.

(2) The application shall be supported by such evidence as the Minister may require for the purpose of showing that there is good reason for requiring the investigation to be made, and that it is not prompted by malicious motives.

Security
for costs.

(3) The Minister may require security for the payment of the costs of the inquiry to be given before appointing the examiner.

Powers of
examiner as
to summon-
ing wit-
nesses, etc.

Rev. Stat.,
c. 19.

(4) The examiner may summon witnesses and take evidence under oath, and generally, for the purposes of such examination, audit and inquiry, shall have the like powers as may be conferred on a commissioner appointed under *The Public Inquiries Act*.

Report to
Minister.

(5) Upon the conclusion of the examination, audit and inquiry the examiner shall make his report in writing to the Minister.

Additional
information.

(6) The Registrar may, by notice in writing, whenever he sees fit, require a corporation to make in addition to its annual or other returns required by this Act, a return verified by affidavit of one of its officers, or to furnish information verified in the same manner upon any subject connected with its affairs, and the corporation shall make the return within the time mentioned in the notice requiring the same.

Notice.

(7) The notice may be given to the president, secretary, managing director or other officer or officers having apparent control of the books of the corporation, or any of them in Ontario, and non-compliance with the notice shall be an offence. R.S.O. 1937, c. 257, s. 148 (1-7).

Appoint-
ment of
examiner.

(8) Upon the request of the Dominion Mortgage and Investments Association, the Minister shall appoint an examiner under subsection 1. R.S.O. 1937, c. 257, s. 148 (8), *amended*.

110.—(1) A notice published in *The Ontario Gazette* over the name of the Registrar or assistant registrar shall, without further proof, be *prima facie* evidence of the facts set forth in the notice. Notice to be evidence.

(2) All copies of returns, reports or other official publications of the Registrar purporting to be printed by the King's Printer, or to be printed by order of the Assembly, shall, without further proof, be admitted as evidence of such publication and printing and as true copies of the originals. Official publications.

(3) A certificate under the hand of the Registrar or assistant registrar and the Registrar's seal of office, that on a stated day the corporation mentioned therein was or was not registered, or that the registry of any corporation was originally granted, or was renewed, suspended, revived or cancelled, on a stated day, shall be *prima facie* evidence of the facts stated in the certificate. Certificate as to registry.

(4) Copies of, or extracts from, any book, record, instrument or document in the office of the Registrar or of or from any official instrument or document issued under this Act shall, if certified by him or by the assistant registrar to be true copies or extracts and sealed with the Registrar's seal of office, be held as authentic and shall be *prima facie* evidence of the same legal effect as the original. R.S.O. 1937, c. 257, s. 150. Copies of or extracts from official documents.

111.—(1) The Registrar personally shall visit or cause a duly qualified member of his staff to visit at least once annually the head office of each registered corporation, other than a corporation as to which he adopts the inspection of another government, and he shall inspect and examine the statements of the condition and affairs of each corporation and make such inquiries as are necessary to ascertain its condition and ability to provide for the payment of its liabilities as and when they become due, and whether or not it has complied with this Act, and the Registrar shall report thereon to the Minister, as to all matters requiring his attention and decision. R.S.O. 1937, c. 257, s. 152 (1), *amended*. Annual inspection of registered corporations.

(2) Where the Registrar deems it necessary and expedient to make a further examination into the affairs of a corporation and so reports to the Minister, the Minister may in his discretion instruct the Registrar to visit or cause any duly qualified member of his staff to visit any branch office or offices of the corporation to inspect and examine into its affairs and to make such further inquiries as the Minister may require. Further inspection.

(3) For the purpose of an examination, the corporation shall prepare and submit to the Registrar such statements Material to be furnished on inspection.

with respect to its business, finances or other affairs of the corporation, in addition to the statement mentioned in this Act, as the Registrar may require, and the officers, agents and servants of the corporation shall cause their books to be open for inspection and shall otherwise facilitate such examination so far as it is in their power.

Production
of books.

(4) In order to facilitate the examination of the books and records of a corporation, the corporation may be required by the Registrar with the approval of the Minister, to produce the books and records at the head office or chief office of the corporation in Ontario, or at such other convenient place as the Registrar may direct.

Examina-
tion.

(5) The Registrar or any person authorized by the Minister may examine under oath the officers, agents or servants of the corporation for the purpose of obtaining any information that he deems necessary for the purpose of the examination.

Expense of
further
inspection.

(6) Where an examination is made under subsection 2 of any branch or other office situated outside of Ontario, the corporation shall pay the account in connection with the examination upon the certificate of the Registrar approved by the Minister. R.S.O. 1937, c. 257, s. 152 (2-6).

Special
report where
condition
unsound.

112.—(1) If, as the result of the examination, the Registrar is of opinion that the assets of the corporation are insufficient to justify its continuance in business, he shall make a special report to the Minister on the condition of the corporation. R.S.O. 1937, c. 257, s. 153, *amended*.

Power to
cancel or
suspend
registry.

(2) If the Minister, after a reasonable time has been given to the corporation to be heard by him, and upon such further inquiry and investigation as he sees fit to make, reports to the Lieutenant-Governor in Council that he agrees with the opinion of the Registrar, the Lieutenant-Governor in Council may, if he also concurs in the opinion, suspend or cancel the registry of the corporation, and the corporation shall thereupon cease to transact further business; provided that the Minister may, during such suspension or cancellation, issue such conditional registry as he may deem necessary for the protection of the public.

Sale and
transfer
under con-
ditional
registry.

(3) If the Minister deems it advisable, the conditional registry may provide that the corporation shall, during the continuance of the conditional registry, arrange for the sale of its assets and for the transfer of its liabilities.

When
registration
cancelled.

(4) If upon the expiration of the conditional registry no arrangement satisfactory to the Minister has been made for such sale and transfer, and if in the opinion of the Minister

the corporation's condition is not then such as to warrant the restoration of the corporation's registry, the registration shall be cancelled. *New.*

REGISTRATION.

113.—(1) Applications for initial registry shall be made according to a form to be supplied by the Registrar, and the applicant shall deliver to the Registrar the application duly completed, together with such information, material and evidence as the form requires. Applications for initial registry.

(2) The applicant shall, if required, furnish such further information, material and evidence, and give such public notice of the application as the Registrar may direct. R.S.O. 1937, c. 257, s. 129 (1, 2). Material to be furnished.

(3) The applicant shall file with the application a statement in such form as may be required by the Registrar of the financial condition and affairs of the corporation on the 31st day of December next preceding or on the last day of the fiscal year of the corporation, if the last day is not more than twelve months before the filing of the statement, and the statement shall be signed and verified as prescribed by section 66. R.S.O. 1937, c. 257, s. 129 (3), *amended*. Financial statement to accompany application.

114.—(1) Where a corporation applying for registry has its head office elsewhere than in Ontario the application shall be accompanied by a power of attorney from the corporation to an agent or agents resident in Ontario. Registration of extra provincial corporations.

(2) The power of attorney shall be under the seal of the corporation, and shall be signed by the president and secretary or other proper officers thereof in the presence of a witness who shall make oath as to the due execution thereof. Execution of power of attorney.

(3) The official positions in the corporation held by the officers signing the power of attorney shall be verified by the oath of any person cognizant of the facts. Authentication.

(4) The power of attorney shall declare at what place in Ontario the chief agency of the corporation is, or is to be established, and shall expressly authorize the agent or agents to receive service of process in all actions and proceedings against the corporation in Ontario for any liability incurred by the corporation therein, and also to receive from the Registrar all notices that the law requires to be given, or which it is thought advisable to give, and shall declare that service of process for or in respect of such liability on any of the agents and receipt of the notices at the chief agency or personally by any of the agents shall be legal and binding on the corporation. Contents of power of attorney.

Filing of
power of
attorney.

(5) The power of attorney and the affidavit of execution shall be filed with the Registrar.

Authority
conferred by
power of
attorney.

(6) The power of attorney may confer upon the agent or agents any further or other powers that the corporation may deem advisable.

Effect of
copy as
evidence.

(7) The production of a copy of the power of attorney certified by the Registrar shall be sufficient evidence for all purposes of the power and authority of the person or persons therein named to act on behalf of the corporation in the manner and for the purposes set forth in the certified copy.

Changes in
chief agent
or agency.

(8) Whenever the corporation changes any of its agents or the chief agency in Ontario, it shall file with the Registrar a similar power of attorney, stating the change or changes and containing a similar declaration as to service of process and notices.

Service of
process
thereafter.

(9) After the power of attorney is filed any process in any action or proceeding against the corporation for a liability incurred in Ontario may be validly served on the corporation at its chief agency; but nothing in this section shall render invalid service in any other mode in which a corporation may be lawfully served.

Application
of section.

(10) This section shall apply notwithstanding any special or other legislation of Ontario affecting any registered corporation. R.S.O. 1937, c. 257, s. 130.

Recording
registry;
entries on
register.

115.—(1) The Registrar shall cause to be entered on the proper register the name of every corporation entitled to registry, together with the date of the commencement of the registry and the term for which the registry is to endure.

Term of
registry.

(2) The term shall begin on the date of such commencement and shall end not later than the 30th day of June next ensuing.

Particulars
to be
entered.

(3) The Registrar shall also cause to be entered on the register the place where the head office and the chief agency, if any, are situate, and if there is a chief agency the name and address of the chief agent, and of the agent or agents appointed under section 114.

Entering
suspension,
etc. of
registry.

(4) If the registry is suspended, revived, revoked, or cancelled, the date of and authority for such suspension, revivor, revocation or cancellation shall also be entered.

Issue of
certificate of
registry.

(5) The Registrar shall issue under his hand and seal of office to every registered corporation a certificate of registry, setting forth that the corporation is entitled to registry as a

(describing the corporation) under this Act, and that the corporation is accordingly registered for the term stated in the certificate.

(6) Every certificate of registry shall specify the first day and the last day of the term for which the corporation is registered, and the corporation so registered shall be deemed to be registered from the commencement of the first day to the end of the last day so specified. Commencement and end of term.

(7) A certificate of registry that does not specify an earlier date of expiry shall, unless sooner suspended or cancelled, remain valid until the next ensuing 30th day of June, when, if the corporation has complied with the law and continues solvent, it shall be entitled to a certificate of renewed registry, and so on every succeeding 30th day of June thereafter. Duration of registry.

(8) Notwithstanding failure to comply with this Act within the prescribed time the Registrar may, upon payment of the prescribed fee, grant an interim certificate of registry or extend the currency of a subsisting certificate. R.S.O. 1937, c. 257, s. 131. Interim certificate.

116.—(1) No corporation shall be registered under a name identical with that under which any other existing corporation is registered, or under any other name likely, in the opinion of the Registrar, to deceive, mislead or confuse the public as to its identity. Restrictions upon use of names.

(2) No registered corporation shall be registered under a new or different name except upon proof that such new or different name is authorized by law. New names.

(3) Where a provincial corporation is desirous of adopting a name different from that by which it was incorporated, or where, in the opinion of the Registrar, the name by which the corporation was incorporated may be confused with that of another existing corporation, the Lieutenant-Governor in Council may change the name of the corporation to some other name to be stated in the Order in Council. Change of corporate name.

(4) No change of name shall affect the rights or obligations of the corporation. Not to affect rights or obligations.

(5) The location of the head office of a corporation may be changed in like manner. Change of head office.

(6) Such public notice shall be given of any change of name or head office, and of any application for such change, in *The Ontario Gazette* and otherwise as the Registrar may direct. R.S.O. 1937, c. 257, s. 132. Public notice.

What ad-
missible to
registry.

117.—(1) Trust companies whose powers do not include that of buying and selling land as beneficial owner except as authorized by this Act and do not exceed the powers that are conferred upon trust companies under this Act, loan corporations and loaning land corporations that are solvent and fall within one of the following classes, may, upon due application, be admissible to registry:

- (a) corporations duly constituted under the law of Ontario;
- (b) corporations which being duly incorporated or constituted under the laws of any other province of Canada, or of Canada, or of the United Kingdom, were in actual, active and *bona fide* operation in Ontario on the 16th day of April, 1912, but such corporations shall be admissible to registry only on due application and with the approval of the Minister and on such terms and conditions as he may prescribe;
- (c) corporations duly constituted as joint stock corporations under the laws of any other province of Canada or of Canada, that issue only permanent shares and have a subscribed permanent stock of not less than \$300,000, whereof \$100,000 is paid in and unimpaired. R.S.O. 1937, c. 257, s. 133 (1), *amended*.

Registry
validated.

(2) Any registry purporting to have been made prior to 1st day of May, 1914, by any corporation mentioned in clause *b* of subsection 1 shall be deemed for all purposes to have been a registry under this Act from the date of commencement of such purported registry.

Corpora-
tions of
other
countries.

(3) A corporation incorporated under the laws of any other country may, upon due application, with the approval of the Minister, be admitted to registry on such terms and conditions as he may prescribe. R.S.O. 1937, c. 257, s. 133 (2, 3).

Company
authorized
by special
Act.

(4) Any trust company authorized by a special Act of Ontario to carry on business in Ontario shall not be barred from registry merely because its powers exceed those conferred upon trust companies by this Act. *New*.

No others.

(5) Subject to subsection 3 of section 9 no other corporation shall be registered. R.S.O. 1937, c. 257, s. 133 (4).

Suspension
or can-
cellation of
registry.

118.—(1) Upon proof that registry or a certificate of registry has been obtained by fraud or mistake, or that a corporation exists for an illegal purpose, or is insolvent, or has failed to pay its obligations, or has wilfully, and after notice from the Registrar, contravened any of the provisions

of this Act, or of the Act or instrument incorporating the corporation, or of any law in force in Ontario, or has ceased to exist, the registry of the corporation may be suspended or cancelled by the Registrar.

(2) On the suspension or cancellation of the registry of any existing corporation the Registrar shall cause notice in writing thereof to be delivered to the corporation. Notice to be given to the corporation.

(3) Where the corporation has ceased to exist the notice shall be published in *The Ontario Gazette*. Publication in *Gazette*.

(4) After such suspension or cancellation, or after termination of registry without renewal, the corporation shall, unless again registered, cease to transact or undertake business in Ontario, except so far as is necessary for the winding up of its business; but any liability incurred by the corporation may be enforced against it as if such suspension, cancellation or termination had not taken place. R.S.O. 1937, c. 257, s. 134. Corporation to cease business except for winding-up purposes.

119. Where in any disputed case the Registrar decides that a corporation is or is not legally entitled to registry, or to renewal of registry, or where he suspends, revives, or cancels the registry of a corporation, his decision, except as otherwise provided, shall be given in writing and he shall cause a copy thereof certified under his seal of office to be delivered to the corporation. R.S.O. 1937, c. 257, s. 135 (1). Decision of Registrar to be in writing and to be delivered to corporation.

120.—(1) Any corporation whose registration or right to registration is affected by any decision of the Registrar may, by notice in writing served upon the Registrar within thirty days after the delivery of the copy of the decision under section 119, request a hearing and review of the matter by the Registrar. Review.

(2) Where a hearing and review is requested the Registrar shall send a notice in writing to the corporation notifying it of the time and place of the hearing. Notice of hearing.

(3) Upon a review the Registrar may hear such evidence as may be submitted to him which in his opinion is relevant to the matter in dispute, and he shall not be bound by any law respecting the admissibility of evidence, and all oral evidence submitted shall be taken down in writing and together with such documentary evidence and things as are received in evidence by the Registrar shall form the record. Evidence.

(4) Upon a review the Registrar may confirm or revoke his former decision or may make alterations therein or additions thereto as he may deem proper. Powers on review.

Decision
to be
delivered.

(5) Notice of his decision made upon a review shall be delivered forthwith to the corporation that requested the review.

Appeal to
Supreme
Court.

(6) Where the Registrar has reviewed a decision and given his decision upon the review, the corporation that requested the review may appeal to a justice of appeal of the Court of Appeal for Ontario.

Form of
appeal.

(7) Every appeal shall be by notice of motion served upon the Registrar within thirty days after the delivery of the decision under subsection 5 and the practice and procedure in relation to the appeal shall be the same as upon an appeal from a judgment of a judge of the Supreme Court in an action, provided that the Rules Committee may vary or amend such practice and procedure in respect of appeals taken under this section.

Certificate of
Registrar.

(8) The Registrar shall certify to the Registrar of the Supreme Court,—

- (a) the decision that has been reviewed by the Registrar;
- (b) the decision of the Registrar upon the review, together with any statement of reasons therefor;
- (c) the record of the review; and
- (d) all written submissions to the Registrar and other material that in the opinion of the Registrar are relevant to the appeal.

Counsel.

(9) The Attorney General may designate counsel to assist the judge upon the hearing of any appeal taken under this section.

Order of
judge.

(10) Where an appeal is taken under this section the judge may by his order direct the Registrar to make such decision as the Registrar is authorized to do under this Act and as the judge deems proper and thereupon the Registrar shall act accordingly.

Further
decision.

(11) The order of the judge shall be final and there shall be no appeal therefrom, but notwithstanding the order the Registrar shall have power to make any further decision upon new material or where there is a material change in the circumstances, and every such further decision shall be subject to this section. *New.*

Cancellation
of registry
by request of
corporation.

121. The Registrar may at the request of the corporation, evidenced as he may direct, cancel its registry. R.S.O. 1937, c. 257, s. 137.

122. A corporation not registered on the 1st day of July, 1900, shall not be granted registry if the stock or shares of the corporation consist of or include terminating stock or shares. R.S.O. 1937, c. 257, s. 8 (3). Where corporations not to be registered.

123. If on receiving an application for registry the Minister finds in the by-laws of the applicant anything repugnant to this Act or to the law of Ontario he may direct an amendment of the by-laws, and, upon their being amended as directed and returned certified as having been so amended, the application may be proceeded with. R.S.O. 1937, c. 257, s. 5, *part, amended*. Minister may direct amendment of by-laws.

124.—(1) Every corporation doing business in Ontario, if required so to do by the Registrar, shall furnish satisfactory evidence that any by-law has been duly passed, and is a legal and valid by-law according to the Act or instrument incorporating the corporation and also that the by-law conforms to the law of Ontario. Return of evidence as to by-laws.

(2) A corporation refusing or failing to furnish such evidence promptly shall be liable to have its registry suspended or cancelled. R.S.O. 1937, c. 257, s. 91. Refusal to furnish evidence.

125. No trust company shall be registered to transact business in Ontario that has not a capital paid in of at least \$100,000. R.S.O. 1937, c. 257, s. 126 (4). Capital required before registration.

126.—(1) No corporation shall under the penalty of becoming disentitled to registry or of having its registry suspended or cancelled make, print, publish, circulate, authorize or be a party or privy to the making, printing, publishing or circulating of any statement or representation that its solvency or financial standing is vouched for by the Registrar or that the publication of its statement in his report is a warranty or representation of the solvency of the corporation, or of the truth or accuracy of the statement in any particular. Representations that standing of corporation is vouched for by Registrar.

(2) Any director, auditor, officer, servant, employee or agent of a corporation who makes or uses or authorizes or is party or privy to the making or using of any such statement or representation shall be guilty of an offence. R.S.O. 1937, c. 257, s. 123. Offence.

UNREGISTERED CORPORATIONS.

127.—(1) No incorporated body or person acting in its behalf, other than a registered corporation and a person duly authorized by it to act in its behalf, shall undertake or transact in Ontario the business of a loan corporation, or of a loaning land corporation, or of a trust company. No unregistered corporation to undertake business.

Certain matters to be deemed undertaking business.

(2) Any setting up or exhibiting of a sign or inscription containing the name of the corporation, or any distribution or publication of any proposal, circular, card, advertisement, printed form or like document in the name of the corporation, or any written or oral solicitation on the corporation's behalf, or any collecting or taking of money on account of shares or of loans or advances shall, both as to the corporation and **as** to the person acting or purporting to act on its behalf, be deemed undertaking the business of the corporation within the meaning of this section.

No person to act as agent for unregistered corporation.

(3) Any promoter, organizer, manager, director, officer, collector, agent, employee, or person who undertakes or transacts any business of a corporation that is not registered under this Act shall be guilty of an offence. R.S.O. 1937, c. 257, s. 139.

Use of certain words in name of company while unregistered.

Rev. Stat. c. 256.

128. Any person, partnership, organization, society, association, company or corporation, not being a corporation registered under this Act or under *The Insurance Act*, assuming or using in Ontario a name which includes any of the words "Loan," "Mortgage," "Trust," "Trusts," or "Guarantee," in combination or connection with any of the words "Corporation," "Company," "Association" or "Society," or "Limited," or "Incorporated" or any abbreviations thereof, or in combination or connection with any similar collective term, or assuming or using in Ontario any similar name, or any name or combination of names that is likely to deceive or mislead the public shall be guilty of an offence, and any person acting on behalf of such person, partnership, organization, society, association, company or corporation shall also be guilty of an offence; but where any of such combinations of words formed part of the corporate name of any corporation duly incorporated by or under the authority of an Act of Ontario or of the Parliament of Canada prior to the 1st day of July, 1900, the combination may continue to be used in Ontario as part of the corporate name. R.S.O. 1937, c. 257, s. 140, *amended*.

Interpretation,—

"contract".

129.—(1) In this section "contract" means any contract, agreement, undertaking or promise,—

- (a) to pay to or for the contract holder any money or money's worth;
- (b) to sell, supply or procure any building or site or land or to bring about the purchase and sale or supply thereof; or
- (c) to construct or procure the construction of any house or building,

made upon any consideration that includes an entrance or membership fee, or expense contribution, initial, renewal, periodical or recurrent, or that includes any periodical or recurrent contribution to a fund, or account, or source for, or intended or alleged to be for, the carrying out of such contract, and includes any contract, agreement, undertaking, or promise, the benefit of which to the contract holder paying any such consideration is to be wholly or partly postponed or deferred until other contract holders have been provided for, or is to depend upon the number or the persistence of the other contract holders, or upon the accession of new contract holders, or upon the order or sequence of the contract.

(2) Any person, partnership, organization, society, association, company or corporation, not being a corporation registered under this Act or under *The Insurance Act*, undertaking or effecting, or offering to undertake or effect, any contract shall be guilty of an offence, and any person acting on behalf of such person, partnership, organization, society, association, company or corporation, shall also be guilty of an offence, and the convicting magistrate or justices, in addition to imposing the prescribed penalty, may at the time of conviction or thereafter make such order for the restitution of the money that was unlawfully taken as to him or them shall seem just, and in default of compliance with such order the offender shall be liable to imprisonment for a term not exceeding twelve months. R.S.O. 1937, c. 257, s. 141.

130. Where in any case arising under section 127, 128 or 129 it is found by the magistrate or justices that the person, partnership, organization, society, company or corporation charged or his or its agent is exhibiting or using any sign, inscription or name, or distributing, using or publishing any document, including any proposal, circular, card, advertisement, notice, application, contract or printed form which, in the opinion of the magistrate or justices, induces, or tends to induce, a violation of any such section, or is likely to deceive or mislead the public either as to the party or the status of the party undertaking the contract, or as to the nature, terms or effect of the contract, the magistrate or justices may summarily order the discontinuance of such sign, inscription, name or document, and non-compliance with such order shall be an offence. R.S.O. 1937, c. 257, s. 142.

INVESTMENTS.

131.—(1) A registered loan corporation and a registered loaning land corporation may purchase or invest in,—

- (a) mortgages, charges or hypothecs upon improved real estate in Ontario or elsewhere where the corporation

is authorized to extend its business under section 84, or mortgages or assignments of such life insurance policies as have at the date of the loan or investment an ascertained cash surrender value admitted by the insurer; R.S.O. 1937, c. 257, s. 29 (1), cl. (a), *amended*.

government
bonds;

- (b) the debentures, bonds, stock or other securities of or guaranteed by the government of Canada or of or guaranteed by the government of any province of Canada, or of or guaranteed by the government of the United Kingdom, or of any of His Majesty's dominions, colonies or dependencies, or of any state forming part of any such dominion, colony or dependency, or of or guaranteed by any foreign country or state forming part of such foreign country where the interest on the securities of such foreign country or state has been paid regularly for the previous ten years, or of any municipality or school corporation in Canada, or elsewhere where the company is carrying on business, or guaranteed by any municipal corporation in Canada, or secured by rates or taxes levied under the authority of the government of any province of Canada on property situated in such province and collectible by the municipalities in which the property is situated; R.S.O. 1937, c. 257, s. 30 (1), cl. (b).

bonds
secured by
trust deed;

- (c) the bonds, debentures, debenture stock, or other securities of any company or bank incorporated by Canada, or by any province of Canada, or by any former province now forming part of Canada, that are secured by a mortgage or hypothec to a trust company either singly or jointly with another trustee upon improved real estate of such company or bank or other assets of such company of the classes mentioned in clauses *a* and *b*; R.S.O. 1937, c. 257, s. 30 (1), cl. (c), *amended*.

Dominion
subsidy
bonds;

- (d) the bonds, debentures or other evidences of indebtedness of a corporation that are secured by the assignment to a trustee of payments that the government of Canada has agreed to make, if such payments are sufficient to meet the interest as it falls due on the bonds, debentures or other evidences of indebtedness outstanding and to meet the principal amount of the bonds, debentures or other evidences of indebtedness upon maturity;

provincial
subsidy
bonds;

- (e) the bonds, debentures or other evidences of indebtedness of a corporation that are secured by the

assignment to a trustee of payments that are payable, by virtue of an Act of a province of Canada, by or under the authority of the province, if such payments are sufficient to meet the interest as it falls due on the bonds, debentures or other evidences of indebtedness outstanding and to meet the principal amount of the bonds, debentures or other evidences of indebtedness upon maturity;

- (f) equipment trust obligations or certificates issued to ^{railroad securities;} finance the purchase of transportation equipment for a railway company incorporated in Canada or for a railway company owned or controlled by a railway company so incorporated which obligations or certificates are fully secured by an assignment of the transportation equipment to, or by the ownership thereof by, a trustee, and by a lease or conditional sale thereof to the railway company; *New.*
- (g) the debentures or other evidences of indebtedness ^{debentures;} of any company or bank that has paid regular dividends on its preferred or on its common stocks for a term of at least five years immediately preceding the date of investment in the debentures or other evidences of indebtedness;
- (h) the preferred stocks of any company or bank that ^{preferred stock;} has paid regular dividends upon such stocks or upon its common stocks for not less than five years preceding the purchase of the preferred stocks, or the stocks of any company that are guaranteed by a company that has paid regular dividends upon its preferred or common stocks for not less than five years preceding the purchase of the guaranteed stocks; provided that the amount of stocks so guaranteed is not in excess of fifty per centum of the amount of the preferred or common stocks, as the case may be, of the guaranteeing company; or
- (i) the common stocks of any company or bank upon ^{common stock.} which regular dividends of at least four per centum per annum, or, in the case of stocks of no par value, of at least four dollars per share per annum, have been paid for the seven years next preceding the purchase of such stocks; provided that if any company has, pursuant to a voluntary re-organization of its capital account and without affecting the status or diminishing the value of its outstanding securities, including the capital stock, substituted common shares of no par value for shares of par value, then dividends declared on the said no par

value stock shall be deemed to be dividends of at least four dollars per share per annum if the sum thereof is equivalent to at least four per centum of the said common stock of par value and the proceeds of any additional issue of common stock made at the time of, or subsequent to, the aforesaid substitution of shares, and in such circumstances dividends of at least four per centum per annum on the common stock of par value immediately preceding the substitution shall be regarded as dividends on the no par value stock; and provided further that if any company has in any year paid dividends on its common stock amounting to not less than \$500,000, the payment of such dividends shall be deemed to be for the purposes of this section equivalent to the payment of a dividend of four per centum or four dollars per share for the said year. R.S.O. 1937, c. 257, s. 30 (1), cls. (d-f).

Investment
in national
housing.

1944-45,
c. 46 (Can.).

(2) In addition to investments it may make by lending on the security of or by purchasing mortgages, charges or hypothecs upon real estate pursuant to the provisions of *The National Housing Act, 1944* (Canada), or any amendments thereto, a registered loan corporation or a registered loaning land corporation may invest its funds to an aggregate amount not exceeding five per centum of its total assets in Canada allowed by the Registrar in any other classes or types of investments pursuant to the said Act, or any amendments thereto, including the purchase of land, the improvement thereof, the construction of buildings thereon, and the management and disposal of such lands and buildings. 1945 (2nd Sess.), c. 4, s. 1, *amended*.

Loans on
securities by
loan and
loaning land
corporations.

(3) A registered loan corporation and a registered loaning land corporation may lend money on the security of,—

- (a) any of the securities mentioned in clauses *a*, *b* and *c* of subsection 1, or on improved real estate or leaseholds, or on guaranteed investment certificates of a trust company; or
- (b) the bonds, debentures, notes, shares, or other securities of any company or bank, other than those mentioned in clause *c* of subsection 1, provided that the market value of the securities on which the loan is made shall at all times exceed the amount of the loan by at least twenty per centum of the market value, and provided further that the amount loaned on the security of the shares of any such company or bank shall not at any time exceed ten per centum of the market value of the total outstanding shares of such company or bank. R.S.O. 1937, c. 257, s. 30 (2), *amended*.

132.—(1) A registered trust company may invest its funds and moneys received for guaranteed investment or as deposits in any of the securities mentioned in subsection 1 of section 131, provided that at all times at least fifty per centum of moneys received for guaranteed investment in the manner authorized by subsection 1 of section 78 or as deposits in the manner authorized by subsection 1 of section 76 shall be invested in or loaned upon such securities only as are authorized by *The Trustee Act*. R.S.O. 1937, c. 257, ss. 30 (1), 17 (1), *amended*. Investments by trust companies. Rev. Stat., c. 165.

(2) In addition to the investments it may make by lending on the security of or by purchasing mortgages, charges or hypothecs upon real estate pursuant to the provisions of *The National Housing Act*, 1944 (Canada), or any amendments thereto, a registered trust company may invest its funds to an aggregate amount not exceeding five per centum thereof and may, notwithstanding the provisions of subsection 1, invest moneys received for guaranteed investment or as deposits under sections 78 and 76 to an aggregate amount not exceeding five per centum of such moneys, in any other classes or types of investments pursuant to the said Act, or any amendments thereto, including the purchase of land, the improvement thereof, the construction of buildings thereon, and the management and disposal of such lands and buildings. 1945 (2nd Sess.), c. 4, s. 2, *amended*. Investment in national housing. 1944-45, c. 46 (Can.).

(3) Subject to the proviso in subsection 1 a registered trust company may lend its funds and moneys received for guaranteed investment or as deposits on the security of,— Loans by trust companies,—

- (a) any of the securities mentioned in clauses *a*, *b* and *c* of subsection 1 of section 131, or on improved real estate or leaseholds, or on guaranteed investment certificates of a trust company; or real estate, etc.;
- (b) the bonds, debentures, notes, stocks, or other securities of any company or bank, other than those mentioned in clause *c* of subsection 1 of section 131, provided that the market value of the securities on which the loan is made shall at all times exceed the amount of the loan by at least twenty per centum of the market value, and provided further that the amount loaned on the security of the stocks of any such company or bank shall not at any time exceed ten per centum of the market value of the total outstanding stocks of such company or bank. R.S.O. 1937, c. 257, s. 30 (2), *amended*. bonds, debentures, etc.

133.—(1) A corporation may take personal security as collateral for any advance or for any debt due to the corporation. R.S.O. 1937, c. 257, s. 29 (3), *amended*. Personal security as collateral.

Power to do
acts and to
exercise
remedies.

(2) The corporation may do all acts that are necessary for advancing sums of money, and for receiving and obtaining repayment thereof, and for compelling the payment of all interest accruing due thereon, and the observance and fulfilment of any conditions annexed to the advance, and for enforcing the forfeiture of any term or property consequent on the non-fulfilment of such conditions, or of conditions entered into for delay of payment. R.S.O. 1937, c. 257, s. 29 (5).

Restrictions
on amount
of invest-
ments.

134.—(1) On and after the 14th day of April, 1925, no corporation shall,—

- (a) except as to securities issued or guaranteed by the government of Canada or the government of any province of Canada or by any municipal corporation in Ontario, invest in any one security or make a total investment in any one corporation, company or bank including the purchase of its stock or other securities, the lending to it on the security of its debentures, mortgages or other assets or any part thereof, of an amount exceeding fifteen per centum of its own paid in capital stock and reserve funds;
- (b) make any investment the effect of which will be that the corporation will hold more than fifteen per centum of the stock or more than fifteen per centum of the debentures of any one corporation, company or bank. R.S.O. 1937, c. 257, s. 31 (1), cls. (a, b), *amended*.

Trust
company.

(2) In the case of a trust company, subsection 1 shall apply only to the investment of its funds and of moneys received for guaranteed investment or as deposits under sections 78 and 76. *New*.

Not to
apply to
certain
companies.

(3) This section shall not apply to an investment in the paid up capital stock of a trust company having its head office in Ontario if the same has been authorized by the Lieutenant-Governor in Council. R.S.O. 1937, c. 257, s. 31 (2), *amended*.

Other in-
vestments
authorized.

135.—(1) The Lieutenant-Governor in Council may authorize the acceptance by a corporation of bonds, notes, stocks, debentures, or other assets not fulfilling the requirements of this Act,—

- (a) obtained in payment or part payment for securities sold by the corporation; or
- (b) obtained under a *bona fide* arrangement for the reorganization of a company whose securities were previously owned by the corporation; or

- (c) obtained under an amalgamation with another company of the company whose securities were previously owned by the corporation; or
- (d) obtained for the *bona fide* purpose of protecting investments previously made by the corporation; or
- (e) obtained by virtue of the purchase by the corporation of the assets of another corporation,

but the bonds, notes, stocks or debentures or other assets whose acceptance is so authorized shall be sold and disposed of within five years after the acquisition thereof, or within such further time not exceeding one year as the Lieutenant-Governor in Council shall, on report of the Minister, fix and determine unless it can be shown to the satisfaction of the Minister that the bonds, notes, stocks, debentures or other assets whose acceptance is so authorized are not inferior in status or value to the securities for which they have been substituted.

(2) For the purpose of determining the eligibility as investments under this Act of the preferred or common stocks of any company that has been voluntarily re-organized without the impairment of the status or value of its securities, dividends paid on the preferred and common stocks of the company before such re-organization may be counted as dividends paid on such stocks respectively of the re-organized company. Stocks of re-organized companies.
R.S.O. 1937, c. 257, s. 32.

136.—(1) A registered corporation may hold real estate which, having been mortgaged or hypothecated to it, has been acquired by it for the protection of its investment, and real estate conveyed to it in satisfaction of debts previously contracted in the course of its business, and may from time to time sell, mortgage, lease, exchange or otherwise dispose of the same, and may sell or otherwise dispose of as it deems advisable any mortgage or security that it has lawfully acquired. May hold certain estates and interests in land; and may dispose of same.

(2) The corporation, not being a loaning land corporation registered under this Act, shall, subject to section 137, sell any real estate acquired by it under any mortgage, charge or hypothecation, or in satisfaction of any debt, within twelve years after it has been so acquired, otherwise it may be forfeited to His Majesty for the use of Ontario; but no such forfeiture shall be enforced until the expiration of six calendar months after notice in writing to the corporation of the intention of His Majesty to claim such forfeiture. Limitation of time for holding except in case of loaning land corporation.

(3) The corporation may give receipts, acquittances and discharges, either absolutely and wholly or partially, and may grant or take such deeds, assignments or other instruments Powers and rights of grantors and grantees.

as are necessary for carrying any such holding, purchase, exchange or re-sale into effect, and the grantee or assignee in any such instrument shall stand in the place of, and be entitled to, and have all the same rights, powers and remedies, and shall be subject to the same obligations and liabilities as the grantor or assignor would have been entitled to or would have been subject to if the grant or assignment had not been made. R.S.O. 1937, c. 257, s. 33.

Power to hold real estate for business.

137. A registered corporation may hold to its own use and benefit such real estate as is necessary for the transaction of its business, or is acquired or held *bona fide* for building upon or improving for that purpose, and may sell, mortgage or dispose of the same. R.S.O. 1937, c. 257, s. 34.

Power to construct larger building and to lease part thereof.

138. A registered corporation, when so authorized by the letters patent or by the Lieutenant-Governor in Council, may acquire or may construct, on any lands held pursuant to section 137, a building larger than is required for the transaction of its business and may lease any part of the building not so required. R.S.O. 1937, c. 257, s. 35.

Limit of amount of investments in buildings.

139. A provincial corporation shall not make or undertake any investment under section 137 or 138 that will cause the total amount at which such investments are carried on its books to exceed thirty-five per centum of its paid up capital and reserve funds. R.S.O. 1937, c. 257, s. 36 (3), *amended*.

Loans to directors and auditors prohibited.

140. A corporation shall not lend or advance money to any of its directors or auditors or to the wife or child of any director or auditor. R.S.O. 1937, c. 257, s. 41.

Corporation may be required to dispose of unauthorized investments.

141. The Registrar may request any corporation to dispose of and realize any of its investments acquired after the 14th day of April, 1925, and not authorized by this Act, and the corporation shall within sixty days after receiving the request dispose of and realize such investments, and if the amount realized therefrom falls below the amount paid by the corporation for such investments, the directors of the corporation shall be jointly and severally liable for the payment to the corporation of the amount of the deficiency; provided that if any director present when any such investment is authorized, forthwith, or if any director then absent, within twenty-four hours after he becomes aware of such investment, and is able to do so, enters his written protest against the same, and within eight days thereafter notifies the Registrar in writing of his protest, the director may thereby, but not otherwise, exonerate himself from liability. R.S.O. 1937, c. 257, s. 122 (5), *amended*.

RETURNS.

142.—(1) Every trust company receiving deposits in the manner authorized by subsection 1 of section 76 shall make a return to the Registrar on or before the 15th day of January in each year, drawn in accordance with the form prescribed by the Registrar, showing the amount of the deposits, and showing all securities including loans made upon securities, and cash, including money on deposit, ear-marked and definitely set aside as provided in subsection 2 of section 76 as such amounts stood on the 31st day of December next preceding, and stating that the same were on such date so ear-marked and definitely set aside.

Annual
returns of
deposits and
securities
allocated.

(2) Every trust company receiving funds for guaranteed investment as mentioned in subsection 1 of section 78 shall make a return to the Registrar on or before the 15th day of January in each year, drawn in accordance with the form prescribed by the Registrar, showing the amount of the funds, and showing all securities, including loans on securities, and cash, including money on deposit, ear-marked and definitely set aside as provided in subsection 3 of section 78 as such amounts stood on the 31st day of December next preceding, and stating that the same were on such date, so ear-marked and definitely set aside.

Annual
returns of
guaranteed
funds and
securities
allocated.

(3) Every trust company receiving deposits in the manner authorized by subsection 1 of section 76 shall make a return to the Registrar on or before the 15th days of January and July in each year, drawn in accordance with the form prescribed by the Registrar, showing the amount of the deposits and showing the amount of cash on hand and on deposit, and the amount of debentures, bonds, stock or other securities of, or guaranteed by Canada, and of, or guaranteed by, any province of Canada, less any incumbrances thereon, and the amount of bonds, debentures and other securities of any municipal corporation in Ontario or of any city in Canada, less any incumbrances thereon and the bonds or debentures issued by any company incorporated in Canada in respect of which bonds or debentures annual or semi-annual subsidy payments sufficient to pay both principal and interest thereof are, by virtue of any Act of Canada or of a province thereof, payable by the government of Canada or province thereof to a trust company as trustee for the holders of such bonds or debentures, and the principal amount of any moneys payable to the company on demand, the payment of which is secured by the mortgage or pledge of any of the securities mentioned in this subsection as the said amounts stood at the end of the last preceding month, and including in such return all such cash and securities and loans as defined in this subsection, whether owned by the company or held by it for guaranteed

Semi-annual
returns by
trust com-
panies as to
deposits and
liquid
securities
available.

investments under section 78 or 76 and stating that the same were at the date mentioned in such return on hand. R.S.O. 1937, c. 257, s. 19, *amended*.

Semi-annual
return by
loan com-
pany as to
deposits.

143. Every loan company receiving deposits shall make a return to the Registrar half-yearly on or before the 15th days of January and July in each year, drawn in accordance with the form prescribed by the Registrar, showing the amount of the deposits and showing the amount of cash on hand and on deposit and the amount of debentures, bonds, stock or other securities of or guaranteed by Canada, and of or guaranteed by any province of Canada less any incumbrances thereon and the amount of bonds, debentures and other securities of any municipal corporation in Ontario, or of any city in Canada, less any incumbrances thereon and the bonds or debentures issued by any company incorporated in Canada in respect of which bonds or debentures annual or semi-annual subsidy payments sufficient to pay both principal and interest thereof are, by virtue of any Act of Canada or of a province thereof, payable by the government of Canada or province thereof to a trust company as trustee for the holders of such bonds or debentures, and the principal amount of any moneys payable to the company on demand, the payment of which is secured by the mortgage or pledge of any of the securities mentioned in this section as such amounts stood at the end of the last preceding month, and stating that the same were at the date mentioned in such return on hand and available for depositors. R.S.O. 1937, c. 257, s. 49, *amended*.

Annual
statement
to the
Registrar.

144.—(1) The managing director, manager or secretary of every registered corporation shall prepare annually on the 1st day of January, or within two months thereafter, according to a printed form to be supplied on application to the Registrar, a statement of the financial condition and affairs of the corporation up to the 31st day of December next preceding.

Extra
provincial
corporation.

(2) In the case of an extra provincial corporation the Registrar may accept the statement required by subsection 1 as for the then last fiscal year of the corporation. R.S.O. 1937, c. 257, s. 121 (1, 2).

Certificate
of auditors
on annual
statement.

(3) Such annual statement shall be certified by the auditors of the corporation who shall make an affidavit thereon stating whether or not their requirements as auditors have been complied with, and,—

(a) that they have examined the statement and that it agrees with the books of the corporation;

- (b) that after due consideration they have formed an independent opinion as to the position of the corporation;
- (c) that with their independent opinion so formed and according to the best of their information and the explanations given them, they certify that in their opinion the statement sets forth fairly and truly the state of the affairs of the corporation;
- (d) that all transactions of the corporation that have come within their notice have been within the powers of the corporation. R.S.O. 1937, c. 257, s. 121 (3), *amended*.

(4) Such annual statement shall also be proved by the affidavit of the president or vice-president and of the managing director, or some other principal officer of the corporation and shall be accompanied by a certified copy of a resolution of the directors showing that the same had been adopted by them. Affidavit of president, etc.

(5) Such annual statement shall be filed with the Registrar on or before the 1st day of March next ensuing. Time for filing with Registrar.

(6) On sufficient cause shown and upon payment of the prescribed fee, the Registrar may by writing under his hand and seal of office, before or after the 1st day of March, extend the time for filing the statement. Extending time for filing of statement.

(7) Any corporation that does not file its statement as required by this section, or make prompt and explicit answer to any inquiries then or at any time put by the Registrar touching its contracts, finances, stock, shares, securities, obligations, by-laws or books or, if required, produce for examination its books, records, securities, accounts and vouchers shall be liable to suspension, cancellation, or non-renewal of registry, and shall incur a penalty of \$50 for each day of default, but not exceeding in the whole \$1,000. Penalty for failure to file statement or supply information.

(8) Where it is made to appear to the Registrar that an extra provincial corporation does not borrow moneys in Ontario by the sale of its bonds, debentures or other securities or by accepting deposits or other moneys for investment and does not exercise in Ontario any of the powers of a trust company other than the loaning of money in Ontario, the Registrar may direct that this section shall not apply to the corporation in which case the corporation shall make such returns and give such information as the Registrar shall require. Extra provincial corporations.

(9) The corporation shall file with the statement a certified copy of any statement furnished to shareholders during the year then ended. R.S.O. 1937, c. 257, s. 121 (4-9). Copy of periodical statements.

MISCELLANEOUS.

Exemption

145. Any amount not exceeding \$300 standing to the credit of any depositor in a registered corporation shall not, while in the hands of the corporation or while in course of transmission from the corporation, be liable to demand, seizure or detention under legal process as against the depositor or his nominee, assignee, or representative, or as against any person to whom the corporation is by sections 146 and 147 authorized to pay such amount. R.S.O. 1937, c. 257, s. 76.

Direction
as to dis-
position of
deposits or
debentures
on death.

146.—(1) A person who,—

- (a) has on deposit with a corporation a sum not exceeding \$600;
- (b) is the holder of debentures or guaranteed investment certificates issued by a corporation for a sum not exceeding \$600; or
- (c) has on deposit with a corporation a sum and holds debentures or guaranteed investment certificates issued by the corporation, the amounts of which in the aggregate do not exceed \$600,

may by a writing, signed by him and deposited with the corporation, nominate any person to receive the amount thereof at his death.

Rights of
corporation.
1939 (2nd
Sess.), c. 1.

(2) Subject to *The Succession Duty Act, 1939*, upon receiving an affidavit as to the death of a person who has made a nomination under subsection 1 the corporation may substitute on its books the name of the nominee in place of the name of such person or may forthwith pay to the nominee the amount due to such person. 1946, c. 48, s. 8, *part*.

Where no
direction.

147. Subject to *The Succession Duty Act, 1939*, where a depositor, debenture holder or holder of a guaranteed investment certificate as described in clause *a*, *b* or *c* of subsection 1 of section 146 dies without making a nomination in accordance with that section, the deposit, debenture or guaranteed investment certificate may, without letters probate or letters of administration being taken out, be paid or transferred to the person who appears to the corporation to be entitled (under the will of such depositor, debenture holder or holder of a guaranteed investment certificate or in the case of an intestacy under the law relating to devolution of property) to receive the same, upon receiving an affidavit of the death and that

the person claiming is so entitled. 1946, c. 48, s. 8, *part, amended.*

148. Where the corporation, after the death of a depositor, ^{Payments by mistake.} debenture holder or holder of a guaranteed investment certificate, has paid or transferred the deposit, debenture or guaranteed investment certificate to the person who at the time appeared to be entitled thereto, the payment or transfer shall be valid and effectual with respect to any demand from any other person as the legatee or next of kin or as the lawful representative of the deceased against the corporation, but the legatee, next of kin or representative shall be entitled to recover the amount of the deposit, debenture or guaranteed investment certificate from the recipient or transferee. 1946, c. 48, s. 8, *part, amended.*

149. Delivery of any written notice or document to a corporation for any purpose of this Act, where the mode is not otherwise expressly provided, may be by letter delivered at the head or chief office of the corporation in Ontario or its chief agency therein, or sent by registered post addressed to the corporation, its manager or agent at such head or chief office or agency, or by delivering it personally to an authorized agent of the corporation. R.S.O. 1937, c. 257, s. 138. ^{Service of notices.}

150. Except where the provisions of this Act are inconsistent, Part XIV of *The Companies Act* shall apply, substituting for the words "Provincial Secretary" the word "Registrar". R.S.O. 1937, c. 257, s. 156, *amended.* ^{Application of certain sections of Rev. Stat. c. 251.}

OFFENCES AND PENALTIES.

151. Every director, manager, auditor, officer, agent, collector, servant, or employee of a corporation who refuses or neglects to make any proper entry in any book of record, entry or account of the corporation, or to exhibit the same, or to allow the same to be inspected or audited, either for the general purposes of the corporation or for the purposes of this Act, and extracts to be taken therefrom, shall be guilty of an offence. R.S.O. 1937, c. 257, s. 149. ^{Refusal to make entries or exhibit same, etc.}

152.—(1) Every person who makes any wilfully false or deceptive statement in any account, statement, return, report or other document respecting the affairs of a corporation shall be guilty of an offence and shall be liable, on conviction thereof, to imprisonment for a term not exceeding five years. ^{False statements or returns.}

(2) Every president, vice-president, director, auditor, manager or other officer of a corporation, who,— ^{Officers' liability.}

- (a) prepares, signs, approves, or concurs in any such account, statement, return, report or document containing such false or deceptive statement; or

(b)

- (b) uses the same with intent to deceive or mislead any person,

shall be held to have wilfully made such false or deceptive statement, and shall further be responsible for all damages sustained by any person in consequence thereof. R.S.O. 1937, c. 257, s. 144 (1, 2).

Offences
for which
no special
penalty
provided.

153.—(1) For every contravention of this Act, which is declared to be an offence and for which no other penalty is provided, the offender shall, for the first offence, incur a penalty of not less than \$20 and not more than \$200, and for any subsequent offence of the same kind shall be liable to imprisonment for any term not less than three months and not more than twelve months, or in the case of an organization, society, association, company or corporation to a penalty not more than \$1,000.

Limitations
of prose-
cutions.

(2) The information or complaint shall be laid or made in writing within one year after the commission of the offence. R.S.O. 1937, c. 257, s. 143 (1, 3).

Recovery
of penalties.

Rev. Stat.,
c. 136.

(3) The penalties imposed under this Act shall be recoverable under *The Summary Convictions Act* and shall belong to His Majesty for the use of Ontario. *New.*

FEES.

Fees for
incor-
poration.

154.—(1) The fees for letters patent of incorporation under this Act shall be those set out in Schedule A.

Other fees.

(2) The fees set out in Schedule B shall be payable in respect of the matters therein mentioned.

Payment to
Registrar.

(3) The fees shall be payable to the Registrar.

Commuta-
tion on
proposed
discontinu-
ance of
business.

(4) Where a registered corporation proves to the satisfaction of the Registrar that it is discontinuing business in Ontario, and has given such public notice of intended discontinuance as shall be required, the fee for registry or renewal of registry, as the case may be, may, on the certificate of the Registrar, be commuted to one-fourth of the prescribed fee; but registry at such commuted fee shall not be granted for more than four years in all, unless for cause shown to the satisfaction of the Registrar, in which case registry may be granted year by year for an additional number of years. R.S.O. 1937, c. 257, s. 154, *amended.*

Time of
payment.

(5) In the case of an application or other document or instrument to be filed, examined or deposited, the fee shall be

paid before the application or other document or instrument is dealt with, and in the case of registry or certificates of registry the fee shall be paid before the corporation is registered. R.S.O. 1937, c. 257, s. 155.

REPEAL.

155. *The Loan and Trust Corporations Act*, section 17 of Rev. Stat., c. 257; *The Statute Law Amendment Act, 1939*, sections 9 and 10 of 1939, c. 47, s. 17; *The Statute Law Amendment Act, 1944*, *The Loan and Trust Corporations Amendment Act, 1945*, and *The Loan and Trust Corporations Amendment Act, 1946*, are repealed. 1944, c. 58, ss. 9, 10; 1945 (2nd Sess.), c. 4; 1946, c. 48, repealed.

SHORT TITLE.

156. This Act may be cited as *The Loan and Trust Corporations Act, 1949*. Short title.

SCHEDULE OF FEES.

SCHEDULE A.

Fee for Letters Patent of Incorporation:

For a corporation with an authorized capital stock of:—

(a) \$300,000 but less than \$500,000.....	\$200 00
(b) \$500,000 but less than \$1,000,000.....	250 00
(c) \$1,000,000.....	350 00
and \$25 for each additional \$100,000 or part thereof.	
(d) Supplementary Letters Patent.....	50 00

R.S.O. 1937, c. 257, Sched. A.

SCHEDULE B.

1. Application for initial registry (s. 113).....	\$5 00
2. Extension of time not exceeding seven days, or any renewal thereof not exceeding seven days, for filing annual statement, application for renewal of registry, or any other documents or information required under the authority of this Act, provided that the Registrar may grant relief from the payment of this fee in any case in which he thinks for reasons appearing to him to be sufficient, that it should not be imposed.....	10 00
3. Filing power of attorney in case of corporations mentioned in section 114.....	5 00
4. Filing new power or change of attorney (s. 114).....	5 00
5. Initial registry Loan or Loaning Land Corporations.....	100 00
6. Initial registry Trust Companies.....	150 00
7. Certificate of renewed registry (s. 115):	
(a) Where the assets of the corporation amount to not more than \$250,000.....	35 00
(b) Where the assets of the corporation exceed \$250,000 but do not exceed \$500,000.....	50 00
(c) Where the assets of the corporation exceed \$500,000 but do not exceed \$1,000,000.....	75 00
(d) Where the assets of the corporation exceed \$1,000,000 but do not exceed \$1,500,000.....	100 00
(e) Where the assets of the corporation exceed \$1,500,000 but do not exceed \$2,000,000.....	125 00
(f) Where the assets of the corporation exceed \$2,000,000 but do not exceed \$2,500,000.....	150 00
(g) Where the assets of the corporation exceed \$2,500,000 but do not exceed \$3,000,000.....	175 00
(h) Where the assets of the corporation exceed \$3,000,000 but do not exceed \$5,000,000.....	200 00
(i) Where the assets of the corporation exceed \$5,000,000 but do not exceed \$10,000,000.....	250 00
(j) Where the assets of the corporation exceed \$10,000,000.....	300 00
(k) Minimum under section 154 (4).....	35 00

For purposes of this article, capital stock uncalled shall not be deemed an asset.

8. Interim certificate of registry or extension of certificate (s. 115).....	\$5 00
--	--------

9. Revivor of registry after suspension (s. 115):	
For a corporation within article 7 (a).....	\$10 00
For a corporation within article 7 (b).....	15 00
For a corporation within article 7 (c).....	20 00
For a corporation within article 7 (d).....	25 00
For a corporation within article 7 (e, f and g).....	30 00
For other corporations.....	35 00
10. Change of corporate name (s. 116).....	25 00
11. Change of head office (s. 116).....	25 00
12. Filing annual statement (s. 144).....	5 00
13. Filing new by-laws or amendments thereto after initial registry (s. 28).....	2 00
14. Application for increase, decrease, conversion or alteration of capital stock or shares or declaration or alteration of powers.....	10 00
(a) Certificate of decrease, conversion or alteration of capital stock or shares or declaration or alteration of powers.....	150 00
(b) Order-in-Council increasing capital stock:	
i. \$300,000 but less than \$500,000.....	200 00
ii. \$500,000 but less than \$1,000,000.....	250 00
iii. \$1,000,000.....	350 00
and \$25 for each additional \$100,000 or part thereof.	
iv. Supplementary letters patent.....	50 00
15. Application for increase in borrowing powers under section 72 (2).....	25 00
(a) Order-in-Council.....	200 00
16. Copy of decision of Registrar, per folio of 100 words.....	10
Also for certificate of Registrar.....	1 00
17. Certified copy of entry on register or of certificate.....	1 00
18. Copies of or extracts from documents filed with Registrar per folio of 100 words.....	10
Also for certificate of Registrar.....	1 00
19. Examining and passing upon applications or documents under sections 93 to 101.....	25 00
Order-in-Council and certificate.....	200 00
20. Examining and passing upon applications or documents under sections 26 and 27 of <i>The Trustee Act</i> (Rev. Stat., c. 165) Order-in-Council.....	25 00 100 00
21. Examining and passing upon applications or documents under section 79.....	25 00
Order-in-Council.....	100 00

R.S.O. 1937, c. 257, Sched. B, *amended*.

CHAPTER 53.

An Act to amend The Local Improvement Act.

*Assented to April 1st, 1949.**Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 34 of *The Local Improvement Act* is repealed and the following substituted therefor: Rev. Stat., c. 269, s. 34, re-enacted.

34. Where the work is the construction of a sewer which is an outlet for sewage from lands not abutting directly upon the work or is the installation and construction of sewage pumping works, force mains, siphons and other pumping facilities necessary for a sewer or sewer system in carrying away sewage from lands not abutting directly upon the works, the council may, in the by-law for undertaking the work passed by a vote of three-fourths of all the members, provide for the payment by the corporation of such part of the cost of the work as to the council may seem just, and that the residue thereof shall be specially assessed on the lands not abutting on the work but immediately benefited thereby in the manner provided by sections 36 and 37. Assessment of cost of outlet or pumping works.

2. This Act shall come into force on the day it receives the Royal Assent. Commencement of Act.

3. This Act may be cited as *The Local Improvement Amendment Act, 1949.* Short title.

CHAPTER 54.

An Act to amend The Long Point Park Act.

*Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Long Point Park Act*, as amended by sections 24^{Rev. Stat., c. 96,} and 25 of *The Statute Law Amendment Act, 1943* and *The Long Point Park Amendment Act, 1946*, is further amended as follows:

1. Section 4 is amended by striking out the words "Lieutenant-Governor in Council" in the sixth line and inserting in lieu thereof the words "Department of Municipal Affairs".
2. Section 5 is amended by striking out the words "Lieutenant-Governor in Council" in the first and second lines and inserting in lieu thereof the words "Department of Municipal Affairs".
3. Subsection 2 of section 7 is amended by striking out the words "make regulations and" in the first line.
4. Section 8 is amended by striking out the words "make regulations and" in the first line.
5. Section 9 is amended by striking out the words "make regulations and" in the first line.
6. Section 10 is amended by striking out the words "make such other regulations and" in the first and second lines, by striking out the words "Lieutenant-Governor in Council" in the third and fourth lines and inserting in lieu thereof the words "Department of Municipal Affairs" and by striking out the words "regulations and" in the fourth line.
7. Section 17 is amended by striking out the words "or regulation" in the first line and by striking out the

words "Lieutenant-Governor in Council" in the fourth line and inserting in lieu thereof the words "Department of Municipal Affairs".

8. Section 18 is amended by striking out the words "Lieutenant-Governor in Council" in the tenth line and inserting in lieu thereof the words "Department of Municipal Affairs".
9. Subsection 1 of section 20 is amended by striking out the words "Lieutenant-Governor in Council" in the seventh line and inserting in lieu thereof the words "Department of Municipal Affairs".
10. Section 21 is amended by striking out the words "Lieutenant-Governor in Council" where they occur in the second and third lines and in the seventh line respectively and inserting in lieu thereof the words "Department of Municipal Affairs" and by striking out the word "he" in the eighth line and inserting in lieu thereof the word "it".

Commence-
ment of Act.

2. This Act shall come into force on the day it receives the Royal Assent.

Short title.

3. This Act may be cited as *The Long Point Park Amendment Act, 1949*.

CHAPTER 55.

An Act to amend The Marriage Act.

*Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 5 of section 5 of *The Marriage Act* is repealed and the following substituted therefor: Rev. Stat., c. 207, s. 5, subs. 5, re-enacted.
 - (5) Forthwith after the solemnization of the marriage,— Completion of Form 4A.
 - (a) the parties to the marriage shall complete and sign the statement of marriage (Form 4A) endorsed on the certificate or license to marry or the certificate of proclamation, and shall leave it with the person who solemnized the marriage;
 - (b) at least two adult witnesses to the marriage shall affix their signatures to the statement; and
 - (c) the person who solemnized the marriage shall complete the certificate on the statement.
 - (6) Within two days after the day of the marriage, the person who solemnized the marriage shall forward the statement, duly completed in accordance with subsection 5, to the Registrar-General. Form to be forwarded to Registrar-General.
2. Subsection 1 of section 34 of *The Marriage Act* is amended by inserting after the figure "4" in the fourth line the words, figure and letter "or Form 4A", so that the subsection shall read as follows: Rev. Stat., c. 207, s. 34, subs. 1, amended.
 - (1) Any person who knowingly makes any false statement of fact in any affidavit made under the provisions of this Act or in or touching the particulars mentioned in Form 4 or Form 4A, in addition to any other penalty or punishment which he may be Penalty for making false statement.

liable to incur, shall, on summary conviction, be liable to a penalty of not less than \$20 and not more than \$200.

Rev. Stat.,
c. 207,
amended.

3. *The Marriage Act* is amended by adding thereto the form set out in the Schedule to this Act.

Commence-
ment of Act.

4. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

5. This Act may be cited as *The Marriage Amendment Act, 1949*.

CHAPTER 56.

An Act to amend The Matrimonial Causes Act.

*Assented to March 9th, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Matrimonial Causes Act* is amended by adding thereto the following sections: Rev. Stat.,
c. 208,
amended.

- 5a.—(1) Where the statement of claim in any action for the dissolution of marriage contains particulars as to any child of the marriage who is under sixteen years of age at the time of the commencement of the action, the Official Guardian shall cause an investigation to be made and shall report to the Court upon all matters relating to the custody, maintenance and education of the child. Divorce actions—
children
under 16.
- (2) The Official Guardian may engage any person to make such investigation on his behalf. Agents.
- (3) An affidavit of any person making the investigation, verifying the report as to such facts as are within his knowledge and setting out the source of his information and his belief as to any other facts, with the report marked as an exhibit thereto, shall be received in evidence upon the trial of the action. Report to be
received in
evidence.
- (4) Where the facts contained in the report are disputed the Official Guardian or his agent shall attend the trial on behalf of the child and shall cause the person making the investigation to attend as a witness. Attendance
at trial.
- (5) Notwithstanding the fact that no claim for custody is made in the action the Judge presiding at the trial may make such order as to the custody and maintenance of the child as may seem proper. Powers of
Judge.
- (6) The Judge in his discretion may order that the costs of the Official Guardian, including his disbursements in connection with the investigation, be paid by any party to the action. Costs.

Appeal.

(7) Any person affected by an order made under this section, including the Official Guardian on behalf of the child, may appeal therefrom to the Court of Appeal.

Rules.

(8) The Rules Committee may make rules for carrying this section into effect and except where inconsistent with this section or such rules, *The Judicature Act* and the rules made thereunder shall apply to proceedings under this section.

Rev. Stat.,
c. 100.Rights of
appeal.

5b.—(1) Any party to an action for divorce or for the annulment of a marriage in which a judgment nisi is granted may appeal to the Court of Appeal from the judgment nisi, but no appeal shall lie from the judgment absolute in any such action by any party who having had time and opportunity to appeal from the judgment nisi has not done so.

Idem.

(2) Any party to an action for divorce or for the annulment of a marriage in which a judgment nisi is granted or any person who intervened or who applied to show cause why the judgment should not be made absolute may appeal to the Court of Appeal from the judgment or order disposing of the matter raised by the intervention or by the application.

Commence-
ment of Act.

2.—(1) This Act shall come into force on a day to be named by the Lieutenant-Governor by his proclamation.

Application
of s. 5a,
Rev. Stat.,
c. 208.

(2) Section 5a of *The Matrimonial Causes Act* shall apply to actions for divorce that are commenced on or after that day.

Application
of s. 5b,
Rev. Stat.,
c. 208.

(3) Section 5b of *The Matrimonial Causes Act* shall apply to actions for divorce or for the annulment of a marriage in which judgment nisi is granted on or after that day.

Short title.

3. This Act may be cited as *The Matrimonial Causes Amendment Act, 1949*.

CHAPTER 57.

An Act to amend The Milk Control Act, 1948.

Assented to April 8th, 1949.
Session Prorogued April 8th, 1949.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 4 of section 2 of *The Milk Control Act, 1948* 1948, c. 55, s. 2, subs. 4, re-enacted. is repealed and the following substituted therefor:

(4) Where the Board consists of more than two members Quorum. a majority shall constitute a quorum.

2.—(1) Subsection 5 of section 7 of *The Milk Control Act, 1948* 1948, c. 55, s. 7, subs. 5, amended. is amended by striking out the words "two weeks" in the fourth line and inserting in lieu thereof the words "one week", so that the subsection shall read as follows:

(5) Where the persons required to bargain collectively do not advise the representatives of the persons requiring collective bargaining and the Board of the names of their representatives within one week of the receipt of the notice under subsection 3, the Board may designate persons to represent them. Failure to observe notice.

(2) The said section 7 is further amended by adding thereto the following subsection: 1948, c. 55, s. 7, amended.

(6a) Collective bargaining shall commence within two weeks of the receipt of the notice by the persons required to bargain collectively and if collective bargaining does not so commence it shall be presumed that an agreement cannot be reached. Commencement of bargaining.

3. Subsections 1, 2 and 3 of section 8 of *The Milk Control Act, 1948* 1948, c. 55, s. 8, subs. 1, 2, re-enacted, subs. 3 repealed. are repealed and the following substituted therefor:

(1) When the collective bargaining has proceeded for two weeks, or sooner if the representatives of either party are satisfied that an agreement under section 7 cannot be reached, they may, by notice to the repre-

sentatives of the other party, require all matters in dispute to be referred to a board of arbitration of three members to which the representatives of each of the parties shall appoint a member, and the third member, who shall be the chairman, shall be appointed by the Minister and shall be a judge of a county or district court.

Failure to appoint.

- (2) Where either party fails to appoint a member of the board of arbitration within one week after the giving of the notice mentioned in subsection 1, or having appointed a person who is unable or unwilling to act, fails to appoint another member within such week or the following week, the Board may, upon the request of the other party, appoint a member in lieu thereof.

1948, c. 55, s. 9, re-enacted.

4. Section 9 of *The Milk Control Act, 1948* is repealed and the following substituted therefor:

Filing of agreements and awards,—effective date.

- 9.—(1) Every agreement and award shall be filed forthwith after the making thereof with the Board and shall come into force on the seventh day after it is so filed or on such later day as may be named in the agreement or award.

Where no termination date specified.

- (2) If no date of termination is provided in an agreement or award it shall remain in force for one year.

Re-negotiation.

- (3) Notwithstanding subsection 2 or that a date of termination is provided in an agreement or award the Board may at any time upon application of any party thereto provide for the re-negotiation of any of its terms, but until a new agreement comes into force the existing agreement or award shall remain in force as though no such application had been made.

1948, c. 55, s. 14, subs. 1, amended.

5.—(1) Subsection 1 of section 14 of *The Milk Control Act, 1948* is amended by adding thereto the following clauses:

(aa) designating markets;

.

(ff) providing for the administration and disposition by the Board of processors' or distributors' bonds or any moneys recovered under any such bond or any moneys or securities furnished as proof of financial responsibility;

.

(jj) regulating and controlling transporters' routes from producers to processors or distributors, or providing for the re-distribution of producers, processors or distributors on such routes or adding producers, processors or distributors to such routes;

.

(nn) providing for the weighing, sampling and testing of milk.

(2) Clause *o* of subsection 1 of the said section 14 is amended ^{1948, c. 55, s. 14, subs. 1, cl. *o*, amended.} by inserting after the word "types" in the first line the words "and sizes", so that the clause shall read as follows:

(*o*) prescribing the types and sizes of containers that shall be used by distributors.

6. This Act shall come into force on the day it receives the ^{Commence-}Royal Assent. ^{ment of Act.}

7. This Act may be cited as *The Milk Control Amendment Act, 1949.* ^{Short title.}

CHAPTER 58.

The Mills Licensing Act, 1949.

*Assented to March 9th, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) "mill" means a plant in which logs or wood-bolts are initially processed and includes a saw mill and a pulp mill;
- (b) "Minister" means Minister of Lands and Forests; "Minister";
- (c) "regulations" means regulations made under this Act. R.S.O. 1937, c. 37, s. 1, *amended*. "regulations".

2. No person shall construct, operate or increase the productive capacity of a mill without a licence therefor from the Minister. R.S.O. 1937, c. 37, s. 2, *amended*. Licence required.

3. The Lieutenant-Governor in Council may make regulations,— Regulations.

- (a) classifying mills and providing for the issue of licences therefor;
- (b) prescribing the form of licences and the fees to be paid therefor;
- (c) prescribing the term of licences and providing for the transfer, renewal, suspension and cancellation thereof;
- (d) imposing conditions as to the location of mills and the operating methods of licensees, including the disposal of waste or refuse;
- (e) prescribing the precautions that licensees shall take for the prevention of fire and for the safety of life and property;

- (f) prescribing the returns that licensees shall make to the Minister as to their mills and operations, including the sources, species and quantity of materials processed; and
- (g) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1937, c. 37, s. 3; 1947, c. 65, s.1, *amended*.

Offences and penalties.

4. Every person who contravenes this Act or any regulation shall be guilty of an offence and upon summary conviction shall be liable to a penalty of not less than \$25 and not more than \$500 for each offence, and in default of payment shall be liable to imprisonment for a period of not more than six months. R.S.O. 1937, c. 37, s. 4 (1), *amended*.

Rev. Stat.,
c. 37; 1947,
c. 65,
repealed.

5. *The Mills Licensing Act* and *The Mills Licensing Amendment Act, 1947* are repealed.

Short title.

6. This Act may be cited as *The Mills Licensing Act, 1949*.

CHAPTER 59.

An Act to amend The Mining Act.

Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 47 of *The Mining Act*, as amended by Rev. Stat., c. 47, s. 47. section 3 of *The Mining Amendment Act, 1939*, is repealed re-enacted. and the following substituted therefor:

- 47.—(1) Mining lands in a Provincial Forest shall not Mining land in Provincial Forest not to be sold. be sold or granted but a lease of the same may be made for a period not exceeding ten years at a rental payable in advance of \$1 per acre for the first year and twenty-five cents per acre for each subsequent year, but the minimum rental shall be \$10 for the first year and \$4 for each subsequent year.
- (2) Every such lease shall be renewable in perpetuity Lease renewable. for periods of ten years at such rental as the Minister may in each case determine and shall date from the day following the expiration of the lease or the last renewal thereof provided the application therefor is made within ninety days of the expiration of the lease or the last renewal thereof or such further period as the Minister may, in the circumstances of the case, deem proper.
- (3) Where payment of the rental under any such lease Termination of lease for arrears of rent. is in arrears for two years or more, the lease may be terminated by an instrument in writing.
- (4) Where a lease has not been renewed under subsection 2 or where a lease has been terminated under subsection 3, a notice of termination of the lease may Notice of termination of lease. be sent to the mining recorder for the mining division in which the lands covered by the lease are situate and to the local master of titles at the land titles office in which instruments affecting the lands covered by the lease may be registered and such officials shall make a record of such notice upon the records of their offices relating to the title to such lands.

Lands vested
in Crown on
termination
of lease.

- (5) When any lease is terminated under this section such lease and all rights and powers therein contained as well as all rights and claims of the lessee, his successors or assigns in or to the lands covered by the lease shall cease and such lands shall be vested in the Crown freed and discharged from every claim and shall not be open for prospecting, staking out or leasing until re-opened by the Lieutenant-Governor in Council.

Expired
lease may
be renewed.

- (2) Every lease of mining lands in a Provincial Forest which has expired and has not been terminated before this Act comes into force may be renewed within ninety days after this Act comes into force and the renewal shall be dated the day following the expiration of the lease or the last renewal thereof.

Rev. Stat.,
c. 47, s. 57,
subs. 3,
amended.

2. Subsection 3 of section 57 of *The Mining Act*, as amended by subsection 1 of section 6 of *The Mining Amendment Act, 1939*, is further amended by striking out the words "and an applicant for a free grant shall also file an affidavit in the prescribed form showing his right thereto" in the sixteenth, seventeenth and eighteenth lines, so that the subsection shall read as follows:

Licensee's
affidavit to
accompany
application.

- (3) The application and sketch or plan shall be accompanied by an affidavit, in the prescribed form, made by the licensee who staked out the claim, showing the date of the staking out and stating that the distances given in the application and sketch or plan are as accurate as they could reasonably be ascertained and that all the other statements and particulars set forth and shown in the application and sketch or plan are true and correct, that at the time of staking out there was nothing upon the lands to indicate that they were not open to be staked out as a mining claim, that the deponent verily believes they were so open and that the staking out is valid and should be recorded, and that there are upon the lands or the lot or part lot or section of which they form a part, no buildings, clearing or improvements for farming or other purposes except as set forth in the affidavit, and if any misstatement is made in the affidavit respecting buildings, clearing or improvements the Minister, upon the recommendation of the Judge, may disallow the application and direct the recording of the claim to be cancelled.

3. Subsection 3 of section 78 of *The Mining Act*, as re-enacted by section 10 of *The Mining Amendment Act, 1947*, is amended by inserting after the word "log" in the thirteenth line the words "in duplicate", so that the subsection shall read as follows:

Rev. Stat.,
c. 47, s. 78,
subs. 3
(1947,
c. 66, s. 10),
amended.

- (3) The recorded holder of a mining claim shall, not later than ten days after each of the periods specified, make a report in the prescribed form as to the work done or caused to be done by him during such period, verified by affidavit in the prescribed form, and the report shall show in detail,—

Work
report.

(a) the location, nature and extent of the work;

(b) the names and addresses of the men who performed the work; and

(c) the dates upon which each man worked in its performance,

and in the case of diamond or other core drilling, the report shall be accompanied by a core log in duplicate indicating the footages of the rock types encountered, and the angle and direction of the drill hole.

4. Subsection 3 of section 78a of *The Mining Act*, as re-enacted by subsection 1 of section 9 of *The Mining Amendment Act, 1948*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 47, s. 78a,
subs. 3
(1948, c. 56,
s. 9, subs. 1),
re-enacted.

- (3) Boring by a diamond or other core drill shall count as work,—

Diamond
or other
core drills.

(a) where the core from the drill is less than 7/8 of an inch in diameter, at the rate of one day's work for each two feet of boring; and

(b) where the core from the drill is 7/8 of an inch or more in diameter, at the rate of one day's work for each foot of boring.

5. Section 97 of *The Mining Act* is repealed.

Rev. Stat.,
c. 47, s. 97,
repealed.

6. Subsection 3 of section 107 of *The Mining Act* is repealed.

Rev. Stat.,
c. 47, s. 107,
subs. 3,
repealed.

7. Clause d of subsection 1 of section 150 of *The Mining Act*, as re-enacted by section 13 of *The Mining Amendment Act, 1948*, is repealed and the following substituted therefor:

Rev. Stat.,
c. 47, s. 150,
subs. 1,
cl. d (1948,
c. 56, s. 13),
re-enacted.

"Rescue
Station
Superin-
tendent."

- (d) "Rescue Station Superintendent" shall mean a person in charge of a mine rescue station.

Rev. Stat.,
c. 47, s. 152
(1948, c. 56,
s. 13), re-
enacted.

8.—(1) Section 152 of *The Mining Act*, as re-enacted by section 13 of *The Mining Amendment Act, 1948*, is repealed and the following substituted therefor:

MINE RESCUE STATIONS.

Establish-
ment of
mine rescue
stations.

- 152.—(1) Mine rescue stations shall be established, equipped, operated and maintained at such places and in such manner as the Minister may direct.

Mine rescue
officers.

- (2) The Lieutenant-Governor in Council may appoint such mine rescue officers as may be deemed advisable.

Duties of
mine rescue
officers.

- (3) The equipment and operation of mine rescue stations shall be in charge of such mine rescue officers and it shall be the duty of such officers to teach and train mine rescue crews and supervisors in the use and maintenance of the apparatus in such manner as the Chief Inspector may direct, to maintain the apparatus in efficient and workable condition so as to be available for immediate use, and to perform such other duties as the Chief Inspector may deem necessary.

Duty of
owner, agent
and manager
as to training
of rescue
crews.

- (4) The owner, agent or manager of a mine shall cause such workmen and supervisors to be trained in the use and maintenance of mine rescue equipment as the District Inspector may deem necessary.

Responsi-
bility in
mine rescue
operations.

- (5) The mine manager shall be responsible for the supervision and direction of mine rescue crews in all mine rescue and recovery operations conducted at the mine.

Costs to be
paid out of
Consolidated
Revenue
Fund.

- (6) The cost of establishing, maintaining and operating mine rescue stations shall be paid out of the Consolidated Revenue Fund.

Workmen's
Compensa-
tion Board
to reimburse
Consolidated
Revenue
Fund.

- (7) The Workmen's Compensation Board shall at the end of each quarter year reimburse the Consolidated Revenue Fund from moneys assessed and levied by the Board against employers in the mining industry for the total amount certified by the Deputy Minister to have been paid out under subsection 6.

- (8) All moneys received from the sale or disposal of any ^{Disposal of equipment, etc.} equipment, buildings or machinery forming part of or appertaining to mine rescue stations shall be paid to the Workmen's Compensation Board and shall be placed to the credit of the class funds of the employers in the mining industry.

- (2) This section shall be deemed to have come into force ^{Commencement of section.} on the 1st day of January, 1949.

9.—(1) Section 157 of *The Mining Act*, as re-enacted by ^{Rev. Stat., c. 47, s. 157 (1948, c. 56, s. 13), amended.} section 13 of *The Mining Amendment Act, 1948*, is amended by adding thereto the following subsection:

- (5) Notwithstanding subsections 3 and 4, the Minister, ^{Discharge of fencing liens.} either without payment or on such terms and conditions as he may deem proper, may cause a cessation of charge to be registered in the proper registry or land titles office, and thereupon the lien and charge registered under subsection 3 shall be void and of no effect.

- (2) All cessations of lien and charge within the meaning ^{Cessations ratified.} of this section heretofore registered are ratified and confirmed.

10. Section 180 of *The Mining Act*, as amended by section ^{Rev. Stat., c. 47, s. 180, re-enacted.} 17 of *The Mining Amendment Act, 1948*, is repealed and the following substituted therefor:

180. The Minister, out of moneys appropriated for the ^{Assaying and testing laboratories.} purpose, may establish, maintain and operate assaying and testing laboratories for sampling, assaying, testing, analysing or determining rocks, ores, minerals and other substances.

11. This Act may be cited as *The Mining Amendment* ^{Short title.} *Act, 1949*.

CHAPTER 60.

An Act to amend The Mining Tax Act.

*Assented to April 1st, 1949.**Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Mining Tax Act*, as amended by section 2 of *The Mining Tax Amendment Act, 1941*, section 26 of *The Statute Law Amendment Act, 1943*, subsection 2 of section 2 of *The Mining Tax Amendment Act, 1946*, section 2 of *The Mining Tax Amendment Act, 1947* and section 2 of *The Mining Tax Amendment Act, 1947 (No. 2)*, is further amended by adding thereto the following subsection:

(4b) In ascertaining and fixing the annual profits of a mine for the purpose of this section the total of the expenses, payments, allowances or deductions under subsection 3 shall be reduced by an amount equal to any sum paid or payable in respect of the year's output of the mine under *The Emergency Gold Mining Assistance Act (Canada)*. Rev. Stat., c. 28, s. 4, amended.
Assistance payments to be deducted from expenses.
1948, c. 15 (Can.).

2. Subsection 4b of section 4 of *The Mining Tax Act*, as enacted by section 1, shall apply to the tax payable under section 4 of *The Mining Tax Act* in 1949 and thereafter. Application of s. 4, subs. 4b.

3. This Act shall be deemed to have come into force on the 1st day of January, 1949. Commencement of Act.

4. This Act may be cited as *The Mining Tax Amendment Act, 1949*. Short title.

CHAPTER 61.

An Act to amend The Municipal Act.

*Assented to April 1st, 1949.**Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 23 of *The Municipal Act*, as re-enacted by section 2 of *The Municipal Amendment Act, 1939* and amended by section 3 of *The Municipal Amendment Act, 1946* and section 2 of *The Municipal Amendment Act, 1947*, is further amended by adding thereto the following subsections:

- (3a) Where in a municipality affected by a proposed annexation or amalgamation an official plan approved under *The Planning Act, 1946* is in effect and a by-law of a municipality is passed to authorize an application for an order of the Municipal Board under this section, and a certified copy of the by-law has been sent to the Minister of Planning and Development and to the planning board or planning boards having jurisdiction in any municipality or area affected by the application, the by-law shall not be deemed to be or be held invalid on the ground that it conflicts with the official plan.

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- (15) For the purposes of subsection 14 the objection mentioned therein shall mean an objection in writing which according to the certificate of the clerk of the municipality is signed by not less than ten per centum of the persons qualified to vote on money by-laws who are resident in,—

- (a) the municipality which has applied for the order; or
- (b) any municipality or the part or parts thereof which by the terms of the order is or are to be amalgamated with or annexed to the applicant municipality,

and an objection shall be deemed to have been withdrawn when there is filed with the Municipal Board a notice or notices in writing of such withdrawal signed by one-third or more of the objectors.

Pending litigation.

(2) Nothing in subsection 3a of section 23 of *The Municipal Act* as enacted by subsection 1 shall in any way affect or prejudice the rights of any person in any action or proceedings pending in the courts at the time subsection 1 comes into force.

Rev. Stat., c. 266, s. 53, subs. 3, cl. h, repealed.

2. Clause h of subsection 3 of section 53 of *The Municipal Act* is repealed.

Rev. Stat., c. 266, s. 68, subs. 1 (1947, c. 69, s. 10), amended.

3. Subsection 1 of section 68 of *The Municipal Act*, as re-enacted by section 10 of *The Municipal Amendment Act, 1947*, is amended by striking out the word "recorded" in the fourth and fifth lines and inserting in lieu thereof the word "seconded", so that the subsection shall read as follows:

Nomination meetings,—procedure.

(1) The nomination meeting shall be called to order by the returning officer at the place and time called for in the notice mentioned in section 67 and the candidates for each office shall be proposed and seconded *seriatim*.

Rev. Stat., c. 266, s. 129, amended.

4. Section 129 of *The Municipal Act* is amended by adding thereto the following subsection:

Counting votes where ballot paper relates to two or more offices.

(2) Where on a ballot paper which contains the names of candidates for more than one office, votes are given for more candidates for any office than are to be elected, the same shall be void as regards all the candidates for such office but shall be good as regards the votes for any other offices in respect of which the voter has not voted for more candidates than are to be elected.

Rev. Stat., c. 266, s. 248, subs. 2 (1947, c. 69, s. 23, subs. 2), re-enacted.

5. Subsection 2 of section 248 of *The Municipal Act*, as re-enacted by subsection 2 of section 23 of *The Municipal Amendment Act, 1947*, is repealed and the following substituted therefor:

Disqualification of persons as auditors.

(2) No person shall be appointed as an auditor of a municipality who is or during the preceding year was a member of the council or any local board of the municipality or of any other local board the accounts and transactions of which it would as auditor be his duty to audit or who has or during the preceding year had any direct or indirect interest in any contract with the municipality or any of the

aforementioned local boards or any employment with any of them other than as an auditor.

6. Section 260 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 266, s. 260,
repealed.

7. Clause *a* of subsection 3 of section 307 of *The Municipal Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 266, s. 307,
subs. 3, cl. *a*,
re-enacted.

(a) under section 309 or paragraph 51*a* of section 405; or

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8. Subsection 3 of section 388 of *The Municipal Act*, as enacted by subsection 2 of section 11 of *The Municipal Amendment Act, 1948*, is amended by striking out the words "the same" in the first line and inserting in lieu thereof the article "a" and by striking out the words "as is provided for in the regulations under *The Public Service Act, 1947*" in the third and fourth lines and inserting in lieu thereof the words "and the Lieutenant-Governor in Council may make regulations prescribing the system to be established", so that the subsection shall read as follows:

Rev. Stat.,
c. 266, s. 388,
subs. 3
(1948, c. 59,
s. 11, subs. 2),
amended.

1947, c. 89.

- (3) The county or city shall establish a system of credits and payments for regular attendance of the gaoler and gaol employees, and the Lieutenant-Governor in Council may make regulations prescribing the system to be established.

Sick leave
credits.

9. Subsection 2 of section 390 of *The Municipal Act* is repealed.

Rev. Stat.,
c. 266, s. 390,
subs. 2,
repealed.

- 10.—(1) Section 405 of *The Municipal Act* is amended by adding thereto the following paragraphs:

Rev. Stat.,
c. 266, s. 405,
amended.

Commercial Buildings—Sidewalks.

- 15*a*. For requiring every owner of land upon which there is erected a building used or intended to be used for commercial purposes to keep in repair any portion of his land lying between the building and the street line which is used by the public as part of the sidewalk on such street.

Owner's
duty to
repair land
in front of
commercial
buildings.

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Public Utility Undertakings—Borrowings for Extensions, etc.

- 51*a*. For borrowing upon debentures of the corporation such sum or sums of money as may be required to

Borrowings
for public
utility
extensions,
etc.

complete, improve, alter, enlarge or extend any public utility undertaking, or any part or parts thereof, owned by the corporation and controlled and managed by the council or a public utility commission.

"Public utility undertaking" defined.

(a) In this paragraph,

(i) "public utility undertaking" means a water works or water supply system, electrical power or energy generating, transmission or distribution system, natural or artificial gas works or supply system, sewer, sewerage or sewage system and a transportation system, and

"Public utility commission" defined.

(ii) "public utility commission" means a commission or board having the control and management of a public utility undertaking.

Electors assent not required.

(b) The by-law shall not require the assent of the electors if it is passed by a vote of three-fourths of all the members of the council and is approved by the Municipal Board.

Approval of Municipal Board.

(c) Such approval may be given if the Municipal Board is satisfied that the proposed work is in the public interest and that the proposed borrowing is required and the Municipal Board shall have due regard to the financial position of the undertaking and to its net revenues and to the additional revenue, if any, which might be derived as a result of the proposed work.

Application of paragraph.

(d) This paragraph shall apply to any municipality operating any such undertaking under the authority of a special Act, and any provision in such special Act requiring the assent of the electors shall not apply to the borrowing of money for the purposes of this paragraph.

Idem.

Rev. Stat., c. 299.

(e) This paragraph shall not apply to a proposed work which the Department of Health has required a municipality to undertake, as provided in *The Public Health Act*.

- (f) The council of a township may exercise the powers conferred by this paragraph in respect of the whole township or any defined area thereof. Defined areas in townships.

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Soliciting Business on Highways.

- 64a. For prohibiting persons from soliciting or importing on a highway or in a public place others to travel in or employ any vessel or vehicle, or to go to any hotel or boarding house or lodging house, or for regulating persons so employed. Use of highways to solicit business.

- (a) A by-law passed under the authority of this paragraph may be made applicable only to one or more highways or public places named therein or to any defined area.

(2) Paragraph 53 of the said section 405, as re-enacted by subsection 3 of section 49 of *The Municipal Amendment Act, 1946*, is repealed. Rev. Stat., c. 266, s. 405, para 53 (1946, c. 60, s. 49, subs. 3), repealed.

11. *The Municipal Act* is amended by adding thereto the following section: Rev. Stat., c. 266, amended.

405a.—(1) In this section,—

Interpretation,—

- (a) “benefit” means an immediate benefit or deferred benefit accruing to owners or occupants of land and derived or derivable from the construction of a sewer or sewer system or sewage works, and

(i) “immediate benefit” means the benefit which accrues and is derived or derivable immediately upon completion of the work, and

(ii) “deferred benefit” means the benefit which accrues upon completion of the work but which is not derived or derivable therefrom until a sewer upon which the land will abut is constructed as part of the work;

- (b) “capital cost” means the cost of constructing a work, inclusive of all items of cost usually and properly chargeable to capital account, and includes the amount of debentures, and

interest thereon, issued to finance the cost of constructing a work, whether paid or unpaid;

"capital improvement";

(c) "capital improvement" means an addition to or an extension, enlargement, alteration, replacement or other improvement of a work of such nature or character that the same is usually and properly accounted for as a capital asset;

"land drainage";

(d) "land drainage" means storm, surface, overflow, subsurface or seepage waters or other drainage from land, but not including sewage;

"sewage";

(e) "sewage" means domestic sewage or industrial wastes, or both;

"sewage works";

(f) "sewage works" means an integral system consisting of a sewer or sewer system and treatment works;

"sewer";

(g) "sewer" means a public sewer for common use by owners and occupants in carrying away sewage or land drainage, or both, from land which abuts upon the sewer;

"sewer system";

(h) "sewer system" means a system of two or more interconnected sewers having one or more common discharge outlets and includes necessary pumping plant, force mains, siphons and other like works;

"treatment works";

(i) "treatment works" means buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets and other works designed for the interception, collection, settling, treating, dispersing, disposing or discharging of sewage or land drainage, or both, and includes land appropriated for the above-mentioned purposes and uses;

"work".

(j) "work" means a sewer, sewer system or sewage works or a capital improvement of any of them.

Sewer rate.

(2) Subject to the approval of the Municipal Board being first obtained, the council of a local municipality in authorizing the construction of a sewer, sewer system or sewage works, or a capital improvement of any of them, may by by-law provide for

imposing upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay for such portion or percentage of the capital cost of the work as the by-law may specify.

- (a) No sewer rate may be imposed under this subsection where a portion or percentage of the capital cost of a work has been or is specially assessed or assessable for the owners' share of the capital cost under *The Local Improvement Act*. Rev. Stat., c. 269.
- (3) A by-law passed under subsection 2 shall designate the land for which the owners or occupants are made liable for the sewer rate imposed and, where the land designated does not comprise all land within the municipality, the area thereof shall be defined in the by-law. Land in respect of which sewer rate imposed.
- (a) The land designated may include not only land for which an immediate benefit accrues but also land for which a deferred benefit accrues.
- (b) Where the sewer rate imposed is for deferred benefit it shall be changed to the sewer rate imposed for immediate benefit as soon as the latter benefit is derived or derivable.
- (4) Revenue derived in any year from a sewer rate imposed under subsection 2 shall be applied and used towards payment of principal and interest due in that year upon debentures issued for the work for the capital cost of which the sewer rate is imposed, and the council shall reduce the amount of the debenture rate to be levied for such debentures in any year upon the rateable property liable therefor by the amount of revenue estimated to be derived in that year from the sewer rate. Revenue from sewer rates.
- (5) Where in a local municipality there is land which has not or the owners or occupants of which have not been and are not assessable or taxed with respect to an existing work and a sewer forming part of such existing work is to be constructed by means of which an immediate benefit from the existing work accrues to the owners or occupants of such land, the council may, by by-law passed with the approval of the Municipal Board, provide for imposing upon the owners or occupants so benefited Sewer rate for cost of existing system.

a sewer rate sufficient to pay for such portion or percentage of the capital cost of the existing work as the by-law may specify.

- (a) The sewer rate may be imposed notwithstanding that the capital cost of the existing work has in whole or in part been paid.
- (b) Revenue from the sewer rate if not required for payment of any part of the outstanding capital cost of the existing work shall be applied and used only for future capital improvements of the existing work.
- (c) A sewer rate imposed under this subsection shall be separate from and in addition to the sewer rate, if any, imposed under subsection 2 upon the same owners or occupants with respect to the sewer to be constructed to form part of the existing work.

Sewer rate
structure.

- (6) The council of a local municipality for the purposes of subsections 2 and 5 may, by by-law passed with the approval of the Municipal Board, establish a sewer rate structure upon which sewer rates imposed under subsection 2 or 5 shall be based and calculated and, in establishing the rate structure the council shall have regard to differentiating between the several classes of works, the kinds of benefits accruing and all other relevant matters to ensure that sewer rates are imposed upon a basis that is equitable and just; and, with the like approval, a by-law establishing the rate structure may from time to time be amended or replaced.

Sewage
service rate.

- (7) The council of a local municipality may by by-law provide for imposing upon owners or occupants of land who use a sewer, sewer system or sewage works for carrying away sewage or land drainage, or both, from their land, a sewage service rate sufficient to pay such portion or percentage of the annual cost of maintenance and operation of the work so used as the by-law may specify.
 - (a) Cost of maintenance and operation of a work for the purposes of this subsection shall not include any part of or payment on the capital cost of the work or any sum for capital improvement thereof or for any depreciation, obsolescence, deferred maintenance or other fund or reserve created with respect to the work.

(8) A sewage service rate may be imposed under sub-Idem. section 7 notwithstanding that,—

- (a) a sewer rate has also been imposed with respect to the capital cost of the same work; and
- (b) the work with respect to which it is imposed was constructed under *The Local Improvement Act* or any other general or special Act.

(9) The council of a local municipality for the purposes of subsection 7 may by by-law establish a sewage service rate structure upon which sewage service rates imposed under subsection 7 shall be based and calculated and in establishing the rate structure the council shall have regard to differentiating between classes of users, nature, volume and frequency of use and all other relevant matters to ensure that sewage service rates are imposed upon a basis that is equitable and just; and a by-law passed under this subsection may from time to time be amended or replaced.

(10) The council of a local municipality may by by-law establish systems for,—

- (a) fixing times, periods and frequencies at and for which sewer rates imposed under subsection 2 or 5 and sewage service rates imposed under subsection 7 shall be payable, and they may be yearly, half-yearly, quarterly or bi-monthly;
- (b) allowing discounts for prompt payment of such rates or for adding penalties for non-payment by due date;
- (c) appointing persons, corporations or agencies to have charge of and the power and responsibility for billing and collecting such rates;
- (d) billing and collecting such rates and for co-ordinating such billing and collecting with the billing and collecting of other kinds of rates or charges imposed by or for the corporation;
- (e) any other relevant matter or thing,

and a by-law passed under this subsection may from time to time be amended or replaced.

Rates a lien.

- (11) A sewer rate imposed under subsection 2 or 5 and a sewage service rate imposed under subsection 7 upon any owner or occupant of land shall be a lien and charge upon the land and, if the same or any part thereof remains unpaid after due date, the amount unpaid may be collected by distress upon the goods and chattels of such owner or occupant; or the clerk of the municipality, upon notice to him of the amount due, the person by whom it is due and the land upon which a lien is claimed, shall enter the same upon the collector's roll and the collector shall proceed to collect the same in the same way, as nearly as may be, as municipal taxes are collectible.

Rev. Stat.,
c. 266, s. 406
(1941, c. 35,
s. 13,
subs. 1),
amended.

12. Section 406 of *The Municipal Act*, as re-enacted by subsection 1 of section 13 of *The Municipal Amendment Act, 1941* and amended by section 11 of *The Municipal Amendment Act, 1943* and section 50 of *The Municipal Amendment Act, 1946*, is further amended by adding thereto the following subsections:

Restrictions
on boundary
highways.

- (2a) Where the boundary between two local municipalities is a highway and the council of one only of the municipalities as to lands abutting on the highway has passed a by-law for any purpose mentioned in subsection 1 and for three months after request by the council of such municipality the council of the other municipality neglects or fails to pass or to take effective proceedings to pass a corresponding by-law, the council of the first-mentioned municipality may apply to the Municipal Board for an order, which the Municipal Board shall have power to make, declaring that after a date to be named in the order the by-law of the first-mentioned municipality shall apply to the lands abutting on both sides of the boundary highway to the same extent in area for the same purpose and as fully and effectually as if all such abutting lands were described in the by-law and were within the first-mentioned municipality, and if and when such order is made and becomes effective the by-law shall be construed and may be enforced accordingly.

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Notice of
application
when King's
Highway or
county high-
way affected.

- (5a) Where a by-law passed under this section applies to land abutting on the King's Highway or on a highway under the jurisdiction of a county council, the council which passed the by-law shall give to the Department of Highways or to the clerk of

the county council, as the case may be, notice of its intention to apply to the Municipal Board for approval of the by-law.

13. Paragraphs 2 and 43 of section 407 of *The Municipal Act* are repealed. Rev. Stat., c. 266, s. 407, paras. 2, 43, repealed.

14. Paragraph 15 of section 408 of *The Municipal Act* is repealed. Rev. Stat., c. 266, s. 408, para. 15, repealed.

15.—(1) Paragraph 2 of section 410 of *The Municipal Act* is amended by striking out the words "and high schools" in the fifth line and inserting in lieu thereof the words "high schools and continuation schools", so that the paragraph shall read as follows: Rev. Stat., c. 266, s. 410, para. 2, amended.

2. For endowing fellowships, scholarships or exhibitions, and other similar prizes, in the University of Toronto, or in Upper Canada College, or in any other university or college in Ontario, for competition among the pupils of the collegiate institutes, high schools and continuation schools in the municipality. Endowing fellowships, etc., in universities and colleges.

(2) Paragraph 5 of the said section 410 is amended by striking out the words "or high school" in the fourth and fifth lines and inserting in lieu thereof the words "high school or continuation school", so that the paragraph shall read as follows: Rev. Stat., c. 266, s. 410, para. 5, amended.

5. For making permanent provision for defraying the expenses of the attendance at the University of Toronto or at Upper Canada College, or at any other university or college in Ontario, of such of the pupils of any collegiate institute, high school or continuation school of the municipality as are unable to incur the expense, but are desirous of, and in the opinion of the head master thereof possess competent attainments for competing for any scholarship, exhibition or other similar prize offered by such university or college. Supporting certain pupils at universities, colleges, etc.

(3) Paragraph 6 of the said section 410 is amended by striking out the words "or high school" in the second line and inserting in lieu thereof the words "high school or continuation school", so that the paragraph shall read as follows: Rev. Stat., c. 266, s. 410, para. 6, amended.

6. For making similar provision for the attendance at any collegiate institute, high school or continuation school, for the like purpose, of pupils of public schools of the municipality. Similar provisions for attendance at high schools.

Rev. Stat.,
c. 266,
amended.

16. The Municipal Act is amended by adding thereto the following section:

414a.—(1) By-laws may be passed by the councils of cities having a population of not less than 100,000:

Regulating
smoke-
producing
equipment.

1. For regulating the erection, construction, reconstruction, installation, alteration, repair, maintenance, operation and use of furnaces, incinerators, refuse burning equipment, outside open fires, boilers, chimneys, flues, smoke stacks and other apparatus, devices, mechanisms or structures used in or in connection with the process of burning fuel or other combustible material; and for requiring that plans and specifications therefor shall be filed with and approved by a designated official of the municipality and that without such approval no such erection, construction, reconstruction, installation, alteration or repair shall be commenced; and for requiring that the work so approved shall be commenced and proceeded with within one year from the date of such approval, and that otherwise such approval shall be void; and for inspecting the work when completed and for issuing a certificate that the work complies with the plans and specifications filed and with the by-law; and for providing that without such certificate no such apparatus, device, mechanism or structure shall be operated or used; and for charging fees for such approval of plans and specifications and for such certificates.

(a) A by-law passed pursuant to this paragraph shall not require the submission of plans and specifications, the issue of permits or certificates or the charging of fees in the case of routine maintenance work or minor alterations or repairs which do not change the capacity of the fuel burning equipment or the method of combustion or do not adversely affect the production, emission or discharge of smoke, dust, fly-ash, soot, fumes or other solid or gaseous product of combustion.

Emission
of smoke.

2. For prohibiting, except to such extent as the by-law may provide, or regulating the emission or discharge to the atmosphere of smoke, dust, fly-ash, soot, fumes or other solid or gaseous product of combustion from the apparatus, devices, mechanisms or structures referred to in paragraph 1, and for defining the words "smoke", "dust", "fly-ash", "soot" and "fumes".

Tests and
alterations
of equip-
ment.

3. For appointing officers to administer and enforce any by-law passed under this section; and for authorizing such officers to enter at all reasonable times upon any

property in order to ascertain whether or not the by-law is being complied with, and to require the owner, occupant, manager or agent thereof to make such tests of or alterations in the apparatus, devices, mechanisms or structures referred to in paragraph 1, or in the manner of operating the same as may, in the opinion of the officer, be necessary to prevent or lessen the emission or discharge to the atmosphere of the products of combustion referred to in paragraph 2.

4. For authorizing the officer of the municipality charged with the enforcement of any by-law or resolution passed pursuant to this section, to permit deviations or exemptions from the requirements of the by-law or resolution. Minor deviations.

5. For requiring persons engaged in selling or leasing for installation in the municipality any apparatus, devices, mechanisms or structures referred to in paragraph 1 to report within ten days after every such sale or lease particulars thereof to an officer designated in the by-law. Reports of sales of equipment.

6. For establishing a board composed of not more than seven members, a majority of whom shall not be members of the council, to hear and determine appeals from the decisions and orders of the officers referred to in paragraph 3; and for prescribing the qualifications, manner of appointment and term of office of members of the board, the number constituting a quorum and the procedure on appeals. Smoke board.

(a) Any person may appeal from a decision of the board established under this paragraph to the Municipal Board whose decision shall be final.

7. For providing that, where any prior existing chimney or stack is so located that the emissions or discharges therefrom are a nuisance to the occupants of any building or structure subsequently erected or where any building or structure subsequently erected adversely affects the draft of any such chimney or stack, such nuisance shall be abated or the adverse effect upon such draft shall be corrected, as the case may be, either by increasing the height of the chimney or stack, or by making such other provision as may be deemed effective by a designated officer of the municipality; and for providing that the work shall be done by the owner of the building or structure of which the chimney or stack forms part and that the cost and expenses incurred thereby may be recovered by him from the owner of the building or Smoke nuisances from subsequently-built structures.

structure subsequently erected, in any court of competent jurisdiction, as a debt due and payable.

Delegation
of power
to board.

8. For delegating to the board established under paragraph 6 such of the powers of regulation contained in paragraph 1 as the by-law may provide, which delegated powers shall be exercised by the board by resolution; and for providing that any resolution made by the board may be altered or revoked by such board.

Penalties.

9. For imposing penalties not exceeding (exclusive of costs) \$50 for the first offence, \$100 for the second offence and \$200 for the third and each subsequent offence, upon every person who contravenes any by-law passed under this section, any decision or order of an officer referred to in paragraph 3, or any decision or resolution of the board established pursuant to paragraph 6, which penalties shall be recoverable under *The Summary Convictions Act*.

Rev. Stat.,
c. 136.

Proof of
decision or
resolution.

(2) A copy of a decision or resolution of the board established under paragraph 6 of subsection 1 purporting to be certified by the chairman of the board as a true copy shall be received in evidence in all courts without proof of signature.

Restraint
by action.

(3) Where any by-law, decision, order or resolution referred to in this section is contravened, in addition to any penalty imposed, such contravention may be restrained by action at the instance of the municipality.

Exceptions.

(4) Subject to subsections 5 to 9 no by-law passed under this section shall apply to any apparatus, device, mechanism or structures referred to in paragraph 1 of subsection 1 on premises which, on the day upon which this Act comes into force, are used for the reduction, refining or smelting of ores or minerals or the manufacturing of cement, brick or tiles or as dwelling houses, except apartment houses, so long as the premises continue to be used for such purposes.

Notice.

(5) The council may serve by prepaid registered mail upon any person exempt by subsection 4 from the provisions of a by-law passed under this section a notice of intention to make such person subject to the provisions of such a by-law upon such terms and conditions as are set out in the notice.

Time limit
for objec-
tions.

(6) Unless within thirty days of the mailing of such notice the person affected by the notice files with the clerk of the municipality a statement of objections, such person shall be subject to any such by-law to the extent set out in the notice.

(7) Upon service of a statement of objections upon the clerk of the municipality within the said thirty days, the council shall itself or by committee or by the board referred to in paragraph 6 of subsection 1 hold a hearing and shall serve a copy of the decision reached upon the person affected and unless that person appeals in accordance with subsection 8, he shall be subject to the by-law to the extent set out in such decision. Hearing.

(8) Within thirty days of the service of a decision under subsection 7, the person affected may serve notice of appeal to the Municipal Board on the clerk of the municipality and the secretary of the Board, and the Board shall hear the appeal and may dismiss the appeal or make an order that the person affected shall not be subject to the by-law or shall be subject to the by-law to the extent set out in the order. Appeal.

(9) The hearing of the appeal shall be a hearing *de novo*, and the order of the Board shall be final and binding upon the person affected and the municipality. Order of Board final.

17. Paragraph 2 of section 417 of *The Municipal Act* is amended by striking out the words "and by *The Snow Roads and Fences Act*" at the end thereof, so that the paragraph shall read as follows: Rev. Stat., c. 266, s. 417, para. 2, amended.

2. For the exercise in respect of fences along highways under the jurisdiction of the council, of the powers conferred upon the councils of local municipalities by paragraph 27 of section 405. Fences.

18.—(1) Section 425 of *The Municipal Act* is amended by adding thereto the following paragraph: Rev. Stat., c. 266, s. 425, amended.

2. For exercising the powers conferred by paragraph 30a of section 405 in respect of any defined area in the township, and for levying a special rate on all the rateable property in the defined area according to the last revised assessment roll sufficient to pay the cost incurred or to meet the annual payments of principal and interest upon any debentures issued in respect of such cost. Fire areas in townships.

(2) Paragraph 18 of the said section 425, as enacted by subsection 3 of section 39 of *The Municipal Amendment Act, 1947*, is repealed. Rev. Stat., c. 266, s. 425, para. 18 (1947, c. 69, s. 39, subs. 3), repealed.

19. Clauses *a*, *c* and *d* of section 426 of *The Municipal Act* are repealed. Rev. Stat., c. 266, s. 426, cls. a, c, d, repealed.

Rev. Stat.,
c. 266, s. 430,
para. 1,
amended.

20. Paragraph 1 of section 430 of *The Municipal Act*, as amended by section 43 of *The Municipal Amendment Act, 1944*, is further amended by inserting after the word "second-hand" where it occurs the first time in the second line the word "goods" and by striking out the article "the" in the third line and inserting in lieu thereof the words "any such", so that the paragraph, exclusive of the clauses, shall read as follows:

Licensing
and regu-
lating sal-
vage shops,
etc.

1. For licensing, regulating and governing salvage shops, salvage yards, second-hand goods shops and dealers in second-hand goods, and for revoking any such license.

Rev. Stat.,
c. 266, s. 432,
para. 1,
amended.

21. Paragraph 1 of section 432 of *The Municipal Act* is amended by striking out the words "rag, bone, or junk shops" in the first and second lines and inserting in lieu thereof the words "salvage shops, salvage yards or second-hand goods shops", so that the paragraph shall read as follows:

Tanneries.

Defining
areas in
which cer-
tain trades
may not be
carried on.

1. For defining areas within which tanneries, salvage shops, salvage yards or second-hand goods shops, or industries of a noxious or unhealthy character, may not be carried on.

(a) This paragraph shall not apply to a tannery erected before the 7th day of April, 1890.

Rev. Stat.,
c. 266, s. 433,
para. 2,
amended.

22. Paragraph 2 of section 433 of *The Municipal Act* is amended by striking out the words and figures "paragraph 1 of section 428" in the third line and inserting in lieu thereof the words and figures "paragraph 4 of section 436", so that the paragraph shall read as follows:

Supplying
licenses.

2. For providing the treasurer or clerk of the county, or the clerk of any municipality within the county with licenses under by-laws passed under paragraph 4 of section 436 and paragraph 1 of this section to be issued under such regulations as may be prescribed to persons applying for them.

Rev. Stat.,
c. 266, s. 482,
re-enacted.

23. Section 482 of *The Municipal Act* is repealed and the following substituted therefor:

Registration
of plan not
to create
highway
repair
liability.

482. The approval of a plan of subdivision under *The Planning Act, 1946* and the registration thereof shall not be deemed to be an assumption by the corporation of the municipality wherein the land comprised in the plan is situate of any highways shown on the plan so as to render the corporation liable for repair, or for damages resulting from non-repair within the meaning of section 480.

24. Clause *c* of subsection 1 of section 495 of *The Municipal Act* is repealed and the following substituted therefor: Rev. Stat., c. 266, s. 495, subs. 1, cl. c, re-enacted.

(c) for stopping up any highway or part of a highway;

(cc) for leasing or selling the soil and freehold of a stopped-up highway or part of a highway.

25. Subsection 3 of section 502 of *The Municipal Act* is repealed and the following substituted therefor: Rev. Stat., c. 266, s. 502 subs. 3, re-enacted.

(3) Nothing in this section shall affect the provisions of *The Planning Act, 1946*. Proviso. 1946, c. 71.

26.—(1) This Act, except section 8, shall come into force on the day it receives the Royal Assent. Commencement of Act.

(2) Section 8 shall be deemed to have come into force on the 1st day of June, 1948. Idem.

27. This Act may be cited as *The Municipal Amendment Act, 1949*. Short title.

CHAPTER 62.

An Act for Quieting Doubts affecting the Legal Status and Boundaries of Municipalities.

*Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpretation,—

- (a) "Board" means Ontario Municipal Board; "Board";
- (b) "Department" means Department of Municipal Affairs; "Department";
- (c) "municipality" means a county, city, town, village or township; "municipality";
- (d) "quieting order" means an order establishing the legal existence and corporate status of a municipality and its proper area and boundaries in order to quiet doubts affecting the same. "quieting order".

2.—(1) Upon the application of the council of a municipality, the Board may make a quieting order respecting the municipality. Power of Board to make quieting order.

(2) A quieting order may be made retroactive in its effect and operation for the purpose and to the extent provided therein, except that it shall not affect or prejudice the rights of any person in any action, litigation or other proceeding pending at the time when the order is made. Retroactive effect of order.

3.—(1) Where the council of a municipality is aware of any doubt affecting the legal existence or corporate status or proper area and boundaries of the municipality, it may apply to the Board for a quieting order. Application for quieting order.

(2) The application shall be in duplicate and shall specify the nature and cause of the doubt which exists and set forth full particulars of all evidence and proofs that are known respecting the existence and status and the area and boundaries of the municipality. Particulars of application.

(3) Upon receipt of an application for a quieting order,—

Duplicate
copy for
Department.

- (a) the secretary of the Board shall transmit one copy to the Department; and

Appointment
for hearing
and notice
of same.

- (b) the Board shall fix a day, time and place for hearing the application and shall direct the applicant as to the notice of the application and of the appointment for hearing to be published by it and as to any special notice thereof it shall give to any other municipality and to any person.

Objections
to be heard.

4. The Board shall hear any other municipality and any person present or represented at the hearing and take into consideration any objections to the application.

Effect of
quieting
order.

5. Every quieting order made by the Board shall according to its tenor be valid and binding for all purposes and upon all municipalities and persons.

Publication
of quieting
orders.

6. Forthwith after the issue of a quieting order, the applicant shall,—

- (a) publish the order locally in such manner as the Board may direct;
- (b) publish a copy in *The Ontario Gazette*;
- (c) file a certified copy with the Department; and
- (d) register a certified copy in the proper registry office, as in the case of an order of the Board registered under section 72 of *The Registry Act*, which section shall apply.

Rev. Stat.,
c. 170.

Powers of
Department.

7. The Department may,—

- (a) authorize the board of trustees of an improvement district or of a police village to apply under this Act for a quieting order with respect to the improvement district or police village, as the case may be, and for such purpose all the provisions of this Act shall, *mutatis mutandis*, apply;
- (b) require the council of any municipality to apply for a quieting order with respect to the municipality and upon neglect or failure of the council to apply for the order within sixty days after being so required, the Department may on behalf of the council and in the name of the municipality apply to the Board for the quieting order.

8. The fee payable upon any application under this Act shall ^{Fee of} be fixed by the Board, but shall not exceed \$10. _{Board.}

9. This Act may be cited as *The Municipal Corporations* ^{Short title.} *(Quieting Orders) Act, 1949.*

CHAPTER 63.

An Act to amend The Municipal Drainage Act.

*Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 2 of section 5 of *The Municipal Drainage Act*, as re-enacted by subsection 1 of section 1 of *The Municipal Drainage Amendment Act, 1944*, is repealed and the following substituted therefor: Rev. Stat., c. 278, s. 5, subs. 2 (1944, c. 40, s. 1, subs. 1), re-enacted.

(2) Where a parcel of land has been assessed by the engineer or surveyor, and one or more parts of that parcel is sold after the final revision of the assessment, the clerk of the municipality in which the parcel is situate shall direct the engineer or surveyor in writing to apportion the assessment charged against the parcel among the parts into which the parcel is divided. Subdivision of parcel assessed.

(2a) The clerk shall send a copy of the direction by registered post to the owners of the parts into which the parcel is divided. Notice to owners.

(2b) The engineer or surveyor in making the apportionment shall have regard to the part of the parcel affected by the drainage work, and shall make the apportionment in writing and file it with the clerk who shall attach it to the original assessment, and the apportionment shall be binding upon the lands assessed and the rate shall thereafter be levied and collected accordingly. Apportionment of parcel assessment.

(2) Subsection 4 of the said section 5, as enacted by subsection 2 of section 1 of *The Municipal Drainage Amendment Act, 1944*, is amended by striking out the word "adjoining", in the first line and inserting in lieu thereof the words "not assessed for", and by adding at the end thereof the words "but no owner shall connect such lands to the work without the approval of the council of the municipality", so that the subsection shall read as follows: Rev. Stat., c. 278, s. 5, subs. 4 (1944, c. 40, s. 1, subs. 2), amended.

Subsequent connections with drainage work.

- (4) Where an owner of lands not assessed for a drainage work subsequently connects the lands with the work for the purpose of drainage, the engineer or surveyor shall assess the owner for a just proportion of the work regard being had to any compensation paid such owner in respect of the work and thereupon every owner assessed for the work shall be given a proportionate reduction in the charges assessed against his land, but no owner shall connect such lands to the work without the approval of the council of the municipality.

Rev. Stat., c. 278, s. 8, amended.

- 2.—(1) Section 8 of *The Municipal Drainage Act* is amended by adding thereto the following subsections:

Appeal by conservation authority having jurisdiction.

1946, c. 11.

- (11a) Where the proposed drainage work is a work of construction and is to be undertaken within a watershed over which a conservation authority established under *The Conservation Authorities Act, 1946* has jurisdiction, the conservation authority may appeal from the report of the engineer to the referee upon the ground that the work will injuriously affect a scheme undertaken by the authority under the said Act, and the provisions of subsection 11 respecting the notice of appeal, the powers of the referee and the decision of the referee shall apply to any such appeal.

Notice to conservation authority having jurisdiction.

- (13a) Where the proposed drainage work is to be undertaken within a watershed over which a conservation authority established under *The Conservation Authorities Act, 1946* has jurisdiction, the clerk shall notify the secretary-treasurer of the authority in writing of the location and estimated cost of the work and of the date of the council meeting at which the report will be read and considered.

Rev. Stat., c. 278, s. 8, subss. 18, 19, 20, re-enacted.

- (2) Subsections 18, 19 and 20 of the said section 8 are repealed and the following substituted therefor:

Public utility may construct drainage work.

- (18) Where a drainage work or a part of a drainage work is to be constructed, repaired, improved or maintained upon, along, adjoining, under or across the lands, permanent way, transmission lines, power lines, wires, conduits or other permanent property of a public utility, the public utility shall have the option of constructing, repairing, improving or maintaining such work or part.

- (19) In the event of the public utility not exercising the option and not completing such work or part within a reasonable time and without unnecessary delay, such work or part may be completed in the same manner and under the same authority as any other part of the work. Non-exercise of option.
- (20) In addition to all other sums lawfully assessed against the property of the public utility under this Act, and even if the public utility is not otherwise assessable under this Act, the public utility shall be assessed for and shall pay all the increase of cost of such work or part, caused by the construction and operation of the public utility. Excess of cost, — how borne.
- (21) Where the public utility is to be assessed for the increase of cost of such work or part, caused by the construction and operation of the public utility, the council initiating the work shall serve the public utility with a copy of the report, plans and specifications, assessments or other estimates of the engineer or surveyor in connection with the work. Copy of report, etc. to public utility.
- (22) The public utility so served shall, at any time within three weeks after such service, have a right to appeal to the referee upon any question arising in connection with the work or part that is to be completed upon, along, adjoining, under or across its property. Appeal by utility to referee.
- (23) Upon an appeal under subsection 22, the referee shall hear and adjudicate upon all questions raised in the notice of appeal, may amend the report appealed from, and may make such order in the premises and as to the costs of the appeal as may be deemed just. Order of referee.
- 3.** Section 72 of *The Municipal Drainage Act* is amended by striking out all the words after the word "maintained" in the ninth line and inserting in lieu thereof the following clauses: Rev. Stat., c. 278, s. 72, amended.
- (a) by the initiating municipality from the point of commencement of the work in the municipality or upon such road allowance to the point at which the work enters the lands or roads of another municipality; and
- (b) by the last-mentioned municipality and by every other municipality through or into which the work is continued from the point at which the work enters the lands or roads of the municipality,

- (i) to an outlet in the municipality or on a road allowance adjoining the municipality, or
- (ii) to the point at which the work enters the lands or roads of another municipality, as the case may be;

and by adding thereto the following subsections:

**Cost of
maintenance.**

- (2) Such maintenance shall be at the expense of the lands and roads in any way assessed for the construction of the work and in the proportion determined by the engineer or surveyor in his report and assessment for the original construction or in appeal therefrom by the award of the arbitrators or order of the referee until, in the case of each municipality, such provision for maintenance is varied or otherwise determined by an engineer or surveyor in his report and assessment for the maintenance of the work or in appeal therefrom by the order of the referee.

**"Lands
or roads"
defined.**

- (3) In clauses *a* and *b* of subsection 1, "lands or roads" shall not include any road, stream or drainage work forming a boundary between municipalities.

so that the section shall read as follows:

**Maintenance
of drainage
work passing
into another
municipality.**

- 72.—(1) Any drainage work heretofore constructed under a by-law of a municipality, passed in pursuance of any Act relating to the construction of any drainage work by local assessment, or hereafter constructed under the provisions of this Act, which is continued into or through more than one municipality, or which is commenced by the initiating municipality on a road allowance adjoining such municipality and is continued thence into the lands of any other municipality shall after the completion thereof be maintained,—

- (*a*) by the initiating municipality from the point of commencement of the work in the municipality or upon such road allowance to the point at which the work enters the lands or roads of another municipality; and
- (*b*) by the last-mentioned municipality and by every other municipality through or into which the work is continued from the point at which the work enters the lands or roads of the municipality,

- (i) to an outlet in the municipality or on a road allowance adjoining the municipality, or
- (ii) to the point at which the work enters the lands or roads of another municipality, as the case may be.
- (2) Such maintenance shall be at the expense of the ^{Cost of maintenance.} lands and roads in any way assessed for the construction of the work and in the proportion determined by the engineer or surveyor in his report and assessment for the original construction or in appeal therefrom by the award of the arbitrators or order of the referee until, in the case of each municipality, such provision for maintenance is varied or otherwise determined by an engineer or surveyor in his report and assessment for the maintenance of the work or in appeal therefrom by the order of the referee.
- (3) In clauses *a* and *b* of subsection 1, "lands or roads" ^{"Lands or roads" defined.} shall not include any road, stream or drainage work forming a boundary between municipalities.
4. The heading immediately preceding section 76 of *The Municipal Drainage Act* is repealed and the following substituted therefor: ^{Rev. Stat., c. 278, s. 76, heading, re-enacted.}
- IMPROVING WITHOUT REPORT.
- 5.—(1) The heading immediately preceding section 77 of *The Municipal Drainage Act* is repealed and the following substituted therefor: ^{Rev. Stat., c. 278, s. 77, heading, re-enacted.}
- IMPROVING WITH REPORT.
- (2) The marginal note to subsection 1 of the said section 77 ^{Rev. Stat., c. 278, s. 77, subs. 1, marginal note, amended.} is amended by striking out the word "Repairing" and inserting in lieu thereof the word "Improving".
6. This Act shall come into force on the day it receives the <sup>Commence-
ment of Act.</sup> Royal Assent.
7. This Act may be cited as *The Municipal Drainage* ^{Short title.} *Amendment Act, 1949.*

CHAPTER 64.

The Niagara Parks Act, 1949.

*Assented to April 1st, 1949.**Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Inter-pretation,—

(a) "Commission" means The Niagara Parks Commission, a corporation constituted under *The Queen Victoria Niagara Falls Park Act, 1887*, and taking its present name under *The Niagara Parks Act, 1927*; <sup>1887, c. 13.
1927, c. 24.</sup>

(b) "Parks" means Queen Victoria Park, Queenston Heights Park, Niagara River Parkways, Butler's Burying Ground, Drummond Hill Burying Ground and Lundy's Lane Battle Field and Cemetery and all other land heretofore or hereafter vested in or placed under the control of the Commission, including roads and boulevards and any interest in land and land covered with water. R.S.O. 1937, c. 93, s. 1, *amended*. ^{"Parks".}

2.—(1) The Commission is continued as a corporation with the objects, powers and duties prescribed in this Act. ^{Commission continued.}

(2) The Commission shall be composed of not more than eight members appointed by the Lieutenant-Governor in Council. ^{Composition.}

(3) The Lieutenant-Governor in Council may designate one of the members of the Commission as chairman. ^{Chairman.}

(4) Vacancies in the membership of the Commission may be filled by the Lieutenant-Governor in Council. ^{Vacancies.}

(5) The members of the Commission shall not be entitled to receive any remuneration or other compensation for their services except their actual expenses. ^{Compensation.}

(6) Notwithstanding *The Legislative Assembly Act* any member of the Assembly may be appointed as a member of <sup>Members of Assembly.
Rev. Stat.,
c. 12.</sup>

the Commission and be entitled to act as such without thereby vacating or forfeiting his seat or incurring any other penalty for sitting or voting as a member of the Assembly. R.S.O. 1937, c. 93, s. 2, *amended*.

General
powers and
duties.

3. It shall be the duty of the Commission to manage, control and develop the Parks and to further these objects the Commission may,—

- (a) lay out, plant and enclose the Parks;
- (b) construct and pull down buildings and structures;
- (c) construct and operate incline railways, aerial cars, lifts and works to assist the public in reaching and viewing the points of interest in the Parks;
- (d) construct or acquire by purchase, lease or otherwise and operate bridges over the Niagara River, and for that purpose enter into agreement with any authority having control of the territory beyond the International Boundary required for any such bridge, or enter into agreement for the joint construction and operation by the Commission and such authority of any such bridge;
- (e) construct and operate golf courses, bowling greens and swimming pools;
- (f) construct and operate restaurants, refreshment booths and stands for the sale of souvenirs and other wares;
- (g) construct and maintain toilet and other facilities for the convenience of the public;
- (h) acquire and operate buses and other vehicles for use in connection with the Parks;
- (i) acquire and operate boats for use in connection with the Parks;
- (j) operate a school for the training of apprentice gardeners;
- (k) make agreements with persons with respect to the establishment or operation by them of any works or services in connection with the Parks;
- (l) appoint such auditors, officers, clerks, keepers, gardeners and other persons as may be required;

- (m) receive and take from any person by grant, gift, devise, bequest or otherwise, any property, real or personal, or any interest therein;
- (n) make grants of money and provide services for educational purposes or for any purpose that may serve to publicize or foster interest in the Parks; and
- (o) make such by-laws, rules and orders as may be deemed expedient for the constitution of the Commission and the administration of its affairs and do such other things as may be necessary or advisable to properly exercise its powers and discharge its duties. R.S.O. 1937, c. 93, s. 8, *amended*.

4.—(1) With the approval of the Lieutenant-Governor in Council the Commission may borrow money to meet its indebtedness accruing due, or for purchasing or otherwise acquiring real or personal property, or making improvements, or for any other purpose of the Commission, and may issue bonds, debentures, notes or other securities to provide for the repayment of any moneys so borrowed, and such securities may be payable at such times and in such manner and at such place or places in Canada or elsewhere, and may bear such interest as the Commission may deem proper. Issue of securities.

(2) The Lieutenant-Governor in Council may authorize the Treasurer of Ontario for and on behalf of Ontario to guarantee the payment of any securities issued by the Commission for any of the purposes mentioned in subsection 1. R.S.O. 1937, c. 93, s. 7, *amended*. Guaranteeing securities.

5. The Lieutenant-Governor in Council may, subject to such conditions as he may deem proper, vest in the Commission any portion of the foreshore or bed of the Niagara River or land covered with water in the Niagara River that lies in front of the Parks and that is the property of the Crown in right of Ontario. R.S.O. 1937, c. 93, s. 26, *amended*. Foreshore and river bed.

6. Subject to the approval of the Lieutenant-Governor in Council the Commission may,— Acquisition of land.

- (a) acquire by purchase, lease or otherwise;
- (b) without the consent of the owner, enter upon, take and expropriate; and
- (c) sell or otherwise dispose of,

any land or any interest in land. R.S.O. 1937, c. 93, s. 4 (1), *amended*.

Expropria-
tion.

Rev. Stat.,
c. 54.

7.—(1) The Commission in the exercise of its powers to take land compulsorily shall have all the powers conferred by *The Public Works Act* on the Minister of Public Works in relation to a public work, and in the application of this section where the words “the Minister”, “the Department” or “the Crown” appear in such Act they shall, where the context permits, mean the Commission.

Mode of
perfecting
title.

Rev. Stat.,
c. 54.

(2) The Commission shall proceed in the manner provided by *The Public Works Act* where the Minister of Public Works enters upon, takes or uses land or property for the use of Ontario and all the provisions of that Act shall apply *mutatis mutandis*.

Procedure.

(3) Upon the deposit in the proper registry or land titles office of a plan and description of the land acquired by the Commission, signed by the chairman of the Commission and by an Ontario land surveyor, the land so described shall thereupon vest in the Commission. R.S.O. 1937, c. 93, s. 6, *amended*.

Highways.

8.—(1) Notwithstanding any general or special Act the Lieutenant-Governor in Council may vest any highway in any municipality in the Commission and thereafter the Commission shall have exclusive jurisdiction over it.

Idem.

(2) The Commission and the corporation of any municipality may enter into agreement as to the acquisition by the Commission or by the municipality of any highway or any land therefor or as to the establishing, laying out, opening, grading, paving, altering, constructing, reconstructing, maintaining or repairing of any highway, including the cost or the apportionment of the cost of the same and the payment thereof. R.S.O. 1937, c. 93, ss. 4 *part*, 5, 18, *amended*.

Compensa-
tion payable
by municipi-
ality.

(3) Every agreement entered into under subsection 2 shall provide that the cost of any lands acquired pursuant thereto and all compensation payable in respect of such acquisition or for injurious affection to lands by reason of any work undertaken under any such agreement shall be borne and paid solely by the corporation of the municipality entering into the agreement. R.S.O. 1937, c. 93, s. 18 (2).

Controlled
access
highways.

9.—(1) The Lieutenant-Governor in Council may designate any portion of any of the highways, roads, boulevards or parkways of the Commission as a controlled access highway.

Regulations.

(2) The Lieutenant-Governor in Council may, in respect of any portion of any such highway, road, boulevard or parkway so designated, make any regulation that he may make in respect of controlled access highways under *The Highway Improvement Act*. *New*.

Rev. Stat.,
c. 56.

10.—(1) The Commission may enter into agreement with the corporation of any municipality that adjoins or is within three miles of the lands of the Commission as to any work of any of the characters or descriptions mentioned in *The Local Improvement Act*, and the Commission may agree to contribute any sum towards the cost of any work undertaken, either in cash or by annual or other instalments or otherwise, but the Commission shall not be liable in any way for assessment under *The Local Improvement Act*, for the cost of any such work, whether the lands abut directly on the work or otherwise, and the lands shall remain exempt from assessment and taxation. R.S.O. 1937, c. 93, s. 18 (3), *amended*.

Local
improve-
ment works.
Rev. Stat.,
c. 269.

(2) It shall not be necessary to submit any agreement entered into under this section for the assent of the electors of the municipality, nor shall it be necessary to receive the assent of the electors of the municipality for the issue of debentures to defray the cost of the work undertaken under any such agreement. R.S.O. 1937, c. 93, s. 18 (7), *amended*.

Assent of
electors not
required.

11. *The Public Vehicle Act* shall apply to the highways and public places of the Commission except that as to such highways and public places the Commission shall be deemed to be substituted for the Department of Highways and for the Lieutenant-Governor in Council, and the licence fees and tolls and the penalties imposed under that Act shall be payable to the Commission. R.S.O. 1937, c. 93, s. 13 (1), *amended*.

Application
of Rev.
Stat., c. 289.

12.—(1) Subject to any order of the Lieutenant-Governor in Council the Commission may continue to collect the revenues and rentals payable or collectible under the several agreements made between the Commission and the Canadian Niagara Power Company, Limited, the Ontario Power Company, the Electrical Development Company of Ontario, Limited and The Hydro-Electric Power Commission of Ontario. R.S.O. 1937, c. 93, s. 20, *amended*.

Collection
of water
revenues
and rentals.

(2) The Commission with the approval of the Lieutenant-Governor in Council may,—

Agreements
with com-
panies as to
developing
power.

- (a) enter into agreement with any person to take water from the Niagara River or from the Niagara and Welland Rivers, at points within the Parks, for the purpose of enabling such person to generate power within the Parks, and to conduct and discharge the water through and across the Parks or otherwise in such manner, for such rental, and upon such terms and conditions as may be embodied in the agreement, and any such agreement may include provisions as to the removal or demolition of any

buildings or structures and the re-erection of the same, or the erection of other buildings or structures; and

(b) renegotiate any existing agreement for the development of power from the Niagara River.

Confirma-
tion of
agreement.

(3) No agreement entered into or renegotiated under subsection 2 shall become operative until it is confirmed by resolution of the Assembly. R.S.O. 1937, c. 93, s. 33, *amended*.

Bridges over
Niagara
River.

13. With the approval of the Lieutenant-Governor in Council the Commission, upon terms to be agreed upon, may grant any rights over or in respect of lands of the Commission that may be required for the purpose of building any new bridge over the Niagara River or of confirming the present occupation of land by any presently existing bridge company, but nothing in this section shall authorize the granting of any such rights over or in respect of Queen Victoria Park. R.S.O. 1937, c. 93, s. 31, *amended*.

Application
of revenue.

14.—(1) All moneys received by the Commission shall be applied in the discharge of its duties and obligations.

Surplus
money.

(2) Any surplus moneys shall, on the order of the Lieutenant-Governor in Council, be paid to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund. R.S.O. 1937, c. 93, s. 21, *amended*.

Books of
account.

15. The Commission shall cause books to be kept and true and regular accounts to be entered therein of all moneys received and paid and of the several purposes for which the same were received and paid, and such books shall be open to the inspection of any member of the Commission, the Treasurer of Ontario or any person appointed by the Commission or Treasurer for that purpose, and any such person may make copies of or take extracts from the books. R.S.O. 1937, c. 93, s. 15, *amended*.

Security
by officers.

16. Every person who is entrusted by the Commission with the custody or control of money in the course of his employment shall give security in the manner and form provided by *The Public Officers Act*. R.S.O. 1937, c. 93, s. 16, *amended*.

Rev. Stat.,
c. 16.

Audit.

17. The books and records of the Commission shall be examined annually by the Provincial Auditor or such other auditor as may be designated by the Lieutenant-Governor in Council. R.S.O. 1937, c. 93, s. 17 (2), *amended*.

18.—(1) The Commission shall after the close of each ^{Annual report,—} fiscal year of the Commission file with the Provincial Secretary an annual report setting forth the revenue and expenditure of the year as shown by the audited statement and such other matters as may appear to be of public interest in relation to the Parks or as the Lieutenant-Governor in Council may direct. R.S.O. 1937, c. 93, s. 17 (1), *amended*.

(2) The Provincial Secretary shall submit the report to the Lieutenant-Governor in Council and shall then lay the ^{to be laid before} report before the Assembly, if it is in session, or if not, at the next ensuing session. *New*.

19.—(1) The Commission, with the approval of the ^{Regulations.} Lieutenant-Governor in Council, may make regulations,—

- (a) regulating and governing the use by the public of the Parks and the works, vehicles, boats, services and things under the jurisdiction of the Commission;
- (b) providing for the protection and preservation from damage of the property of the Commission;
- (c) prescribing tolls for the occupation and use of Park lands and works, vehicles, boats, golf courses, bowling greens, swimming pools and services under the jurisdiction of the Commission, for opening and closing graves or any class thereof in any cemetery in the Parks, and for entrance to places of historical and scenic interest or any other occupation or uses of a similar nature;
- (d) prescribing permits designating privileges in connection with the use of the Parks or any part thereof and prescribing fees for such permits;
- (e) regulating and governing vehicular and pedestrian traffic in the Parks or any part thereof and prohibiting the use of any class or classes of vehicles in the Parks or any part thereof;
- (f) prohibiting or regulating and governing the erection, posting up or other display of notices, signs, sign boards and other advertising devices in the Parks or within one-quarter mile of any part thereof;
- (g) licensing, regulating and governing taxi-cabs and other vehicles for hire and the owners and drivers thereof, and prescribing fees for such licences;

- (h) licensing, regulating and governing guides and prescribing fees for such licences;
- (i) prescribing terms and conditions under which horses, dogs and other animals may be allowed in the Parks or any part thereof;
- (j) for imposing penalties not exceeding \$100 for any breach of any regulation.

Offences.

Rev. Stat.,
c. 136.

(2) Any offence against any regulation made under this Act shall be punishable under *The Summary Convictions Act* and the penalty for any such offence shall be payable to the Commission. R.S.O. 1937, c. 93, ss. 10, 11, *amended*.

Rights of
interment
not affected.

20. Nothing in this Act shall authorize the interference with any right to inter the body of any deceased person in any burying ground vested in the Commission and nothing in this Act shall confer the right to remove any body there interred. R.S.O. 1937, c. 93, s. 35, *amended*.

Present
members of
Commission.

21. The members of the Commission in office when this Act comes into force shall continue in office during pleasure.
New.

Rev. Stat.,
c. 93; 1948,
c. 87, s. 8,
repealed.

22. *The Niagara Parks Act* and section 8 of *The Statute Law Amendment Act, 1948* are repealed.

Short title.

23. This Act may be cited as *The Niagara Parks Act, 1949*.

CHAPTER 65.

The Official Notices Publication Act, 1949.

*Assented to March 9th, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Ontario Gazette*, being the official notices publication of Ontario authorized by chapter 6 of the Statutes of Ontario, 1868, shall be published by the King's Printer at the times and in the form and style now established or at such times or in such form and style as the Lieutenant-Governor in Council may order. *New.* *The Ontario Gazette* authorized. 1868, c. 6.

2. Unless another mode of publication is authorized by law, there shall be published in *The Ontario Gazette*,— Notices, etc., to be published.

(a) all proclamations issued by the Lieutenant-Governor;

(b) all notices, orders, regulations and other documents relating to matters within the authority of this Legislature that require publication; and

(c) all advertisements, notices and publications that are required to be given by the Crown or by any department of the Government of Ontario, or by any public authority, or by any officer or person. R.S.O. 1937, c. 20, s. 1 (1), *amended*.

3. If in any Act of the late Province of Upper Canada or of the late Province of Canada in force in Ontario and being within the authority of this Legislature, any notice is directed to be given in the *Upper Canada Gazette* or in the *Canada Gazette* the same shall be given in *The Ontario Gazette*. R.S.O. 1937, c. 20, s. 1 (2). Notices published under Acts of Upper Canada or Canada.

4. The Lieutenant-Governor in Council may make regulations,— Regulations

(a) prescribing the rates that shall be paid for publication of matters in *The Ontario Gazette* and prescribing the time and manner of payment of such rates; and

- (b) prescribing the rates that shall be paid by subscribers to *The Ontario Gazette* and by others for copies thereof and prescribing the time and manner of payment of such rates. *New.*

Rev. Stat.,
c. 20,
repealed.

5. *The Official Notices Publication Act* is repealed.

Short title.

6. This Act may be cited as *The Official Notices Publication Act, 1949.*

CHAPTER 66.

An Act respecting Oleomargarine.

*Assented to April 1st, 1949.**Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

(a) “oleomargarine” means any food substance other than butter, of whatever origin, source or composition that is prepared for the same uses as butter; “oleomargarine”;

(b) “Minister” means Minister of Agriculture; “Minister”;

(c) “package” means any wrapper, carton, box, tub, crock, crate or any other covering or container; “package”;

(d) “public eating place” means any place where food or drink is offered for sale to the public for consumption on the premises and includes an hotel, inn, restaurant, public conveyance, victualling house and lunch counter; and “public eating place”;

(e) “regulations” means regulations made under this Act. “regulations”.

2. Every keeper of a public eating place where oleomargarine is served as such shall,— Oleomargarine served in public eating places.

(a) where a menu is used, cause to be displayed thereon in a conspicuous manner the words “Oleomargarine is served here”;

(b) where a menu is not used, cause to have displayed in a conspicuous manner in each room or place where food is served a sign or placard bearing the words “Oleomargarine is served here” in letters large enough to be distinctly seen from all parts of each room or place.

3. No person shall mix oleomargarine with butter for purposes of sale or for use in any public eating place. Mixing oleomargarine and butter prohibited.

Colouring.

4. No oleomargarine shall have a tint or shade containing more than one and six-tenths degrees of yellow, or of yellow and red collectively, measured in terms of the Lovibond tintometer scale read under conditions substantially similar to those established by the United States Bureau of Internal Revenue, or the equivalent of such measurement.

Packaging.

5. Every package containing oleomargarine shall have legibly marked thereon in addition to anything required under any Act of the Parliament of Canada or of this Legislature,—

(a) the word “oleomargarine” or the trade name of the contents; and

(b) a list of the ingredients in the oleomargarine and the percentage of each such ingredient.

Licence to
manufacture
or sell by
wholesale.

6.—(1) No person shall manufacture or sell by wholesale oleomargarine without a licence therefor from the Minister.

Unlawful
manufacture,
etc.

(2) No person shall manufacture, sell, offer for sale, have in his possession for sale or serve in any public eating place any oleomargarine which does not comply with the provisions of this Act or the regulations.

Regulations.

7. The Lieutenant-Governor in Council may make regulations,—

(a) providing for the issue of licences to manufacturers and wholesalers of oleomargarine and prescribing the form, term and conditions thereof and the fees to be paid therefor, and providing for the transfer, renewal, suspension or cancellation thereof;

(b) prescribing standards of quality for oleomargarine; and

(c) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

Offences and
penalties.

8. Every person who contravenes any provision of this Act or any regulation shall be guilty of an offence and upon summary conviction shall be liable to a penalty of not more than \$500 or to imprisonment for not more than six months, or to both fine and imprisonment.

Commence-
ment of Act.

9. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

10. This Act may be cited as *The Oleomargarine Act, 1949*.

CHAPTER 67.

An Act to amend The Ontario Food Terminal Act,
1946.

*Assented to March 9th, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 4 of *The Ontario Food Terminal Act, 1946* is amended by striking out the word and figures ^{1946,} "section 24" in the second line and inserting in lieu thereof ^{c. 63, s. 4,} the words and figures "sections 24 and 25", so that the sub- ^{subs. 3,} ^{amended.} section shall read as follows:

(3) The Board shall have the objects and powers set out ^{General} in sections 24 and 25 of *The Companies Act*. ^{powers.} ^{Rev. Stat.,} ^{c. 251.}

2. Section 12 of *The Ontario Food Terminal Act, 1946* is ^{1946,} amended by striking out the words "or other produce" in ^{c. 63, s. 12,} the third line, so that the section shall read as follows: ^{amended.}

12. No person shall establish or operate within the City ^{Markets} of Toronto or the Counties of York or Peel any ^{in Toronto,} market for the sale by wholesale of fruit and vege- ^{York and} ^{Peel.} tables except with the approval of the Board, but this section shall not apply to any such market which is being regularly and continuously operated at the time of the coming into force of this Act so long as it is not extended or enlarged.

3. This Act shall come into force on the day it receives the ^{Commence-} Royal Assent. ^{ment of Act.}

4. This Act may be cited as *The Ontario Food Terminal* ^{Short title.} *Amendment Act, 1949.*

CHAPTER 68.

An Act for Raising Money on the Credit of the Consolidated Revenue Fund.

*Assented to April 1st, 1949.**Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Lieutenant-Governor in Council is hereby authorized to raise from time to time by way of loan such sum or sums of money as may be deemed expedient for any or all of the following purposes, that is to say: For the public service, for works carried on by commissioners on behalf of Ontario, for discharging any indebtedness or obligation of Ontario or for reimbursing the Consolidated Revenue Fund for any moneys expended in discharging any such indebtedness or obligation, and for the carrying on of the public works authorized by the Legislature; Provided that the principal amount of any securities issued and the amount of any temporary loans raised under the authority of this Act, including any securities issued for the retirement of the said securities or temporary loans, at any time outstanding, shall not exceed in the whole One Hundred Million Dollars (\$100,000,000). Loan of \$100,000,000 authorized.

2. The aforesaid sum of money may be borrowed for any term or terms not exceeding forty years, at such rate as may be fixed by the Lieutenant-Governor in Council and shall be raised upon the credit of the Consolidated Revenue Fund of Ontario, and shall be chargeable thereupon. Terms to be fixed by Lieutenant-Governor in Council.

3. The Lieutenant-Governor in Council may provide for a special sinking fund with respect to the issue herein authorized, and such sinking fund may be at a greater rate than the one-half of one per centum per annum specified in subsection 3 of section 3 of *The Provincial Loans Act*. Sinking Fund.

4. This Act shall come into force on the day it receives the Royal Assent. Rev. Stat., c. 22. Commencement of Act.

5. This Act may be cited as *The Ontario Loan Act, 1949*. Short title.

CHAPTER 69.

An Act to amend The Ontario Municipal Board Act.

*Assented to April 1st, 1949.**Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Ontario Municipal Board Act* is repealed and the following substituted therefor: Rev. Stat., c. 60, s. 1, cl. *b*, re-enacted.

(*b*) "Local board" shall mean school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board and any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of a municipality or of two or more municipalities or portions thereof. "Local board".

2. Clause *a* of subsection 1 of section 59 of *The Ontario Municipal Board Act* is repealed. Rev. Stat., c. 60, s. 59, subs. 1, cl. *a*, repealed.

3. Section 81 of *The Ontario Municipal Board Act* is repealed. Rev. Stat., c. 60, s. 81, repealed.

4. This Act shall come into force on the day it receives the Royal Assent. Commencement of Act.

5. This Act may be cited as *The Ontario Municipal Board Amendment Act, 1949*. Short title.

CHAPTER 70.

An Act to amend The Ontario Northland
Transportation Commission Act.

*Assented to March 9th, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) *The Ontario Northland Transportation Commission Act* is amended by adding thereto the following section: Rev. Stat.,
c. 55,
amended.

6a. Subject to the approval of the Lieutenant-Governor in Council the Commission may make regulations for establishing and administering, through a board or otherwise, a pension fund for the payment of superannuation or disability allowances to the employees or members of the Commission or any class thereof. Pension
plan
authorized.

(2) All rules and regulations of the Pension Department of the Temiskaming and Northern Ontario Railway Commission, all regulations of the Pension Board of the Temiskaming and Northern Ontario Railway Commission and all regulations of the Pension Board of the Ontario Northland Transportation Commission that have been in effect from time to time since the 1st day of November, 1922, or that are now in effect are hereby validated and confirmed. Former and
present
pension
regulations
validated.

(3) All payments heretofore made pursuant to any of the rules or regulations mentioned in subsection 2 and every other act and thing done or purported to have been done pursuant to any such rules or regulations are hereby validated and confirmed. Pension
payments
validated.

2. Section 10 of *The Ontario Northland Transportation Commission Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 55, s. 10,
amended.

(3) The regulations so made shall be deemed to be of an administrative and not of a legislative nature. Regulations
to be deemed
administra-
tive.

3. Section 36 of *The Ontario Northland Transportation Commission Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 55, s. 36,
re-enacted.

Annual
report.

36.—(1) The Commission shall after the close of each fiscal year of the Commission file with the Provincial Secretary an annual report which shall include the report of its auditor and which shall set forth the operations of the Commission for the fiscal year then last past and such particulars as may appear to the Commission to be of public interest or as may be required by the Lieutenant-Governor in Council.

Tabling.

(2) The Provincial Secretary shall submit the report to the Lieutenant-Governor in Council and shall then lay the report before the Assembly if it is then in session, or if not, at the next ensuing session.

Commence-
ment of Act.

4. This Act shall come into force on the day it receives the Royal Assent.

Short title.

5. This Act may be cited as *The Ontario Northland Transportation Commission Amendment Act, 1949.*

CHAPTER 71.

An Act to amend The Planning Act, 1946.

*Assented to March 9th, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *a* of section 1 of *The Planning Act, 1946*^{1946, c. 71, s. 1,} is amended by striking out the words “or board of trustees of an improvement district” in the first and second lines, so^{amended.} that the clause shall read as follows:

(a) “council” shall mean council of a municipality. “council”.

(2) Clause *d* of the said section 1 is amended by inserting^{1946, c. 71, s. 1,} after the word “police” in the fourth line the words “planning^{cl. d,} board”, so that the clause shall read as follows:^{amended.}

(d) “local board” shall mean school board, public utility^{“local board”.} commission, transportation commission, public library board, board of park management, board of health, board of commissioners of police, planning board and any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes of a municipality or of two or more municipalities or portions thereof.

(3) Clause *g* of the said section 1, as re-enacted by section 1^{1946, c. 71,} of *The Planning Amendment Act, 1947*, is amended by insert-^{s. 1, cl. g} ing after the word “of” in the first line the word “the” and^{(1947,} by striking out all the words after the word “area” in the^{c. 75, s. 1).} eighth line, so that the clause shall read as follows:^{amended.}

(g) “official plan” shall mean a plan consisting of the^{“official plan”.} maps and texts prepared and recommended by the planning board and adopted and approved as provided in this Act, covering a planning area or any part thereof, showing a programme of development, or any part thereof, designed to secure the health, safety, convenience or welfare of the inhabitants of the area.

1946, c. 71,
s. 1, cl. i,
amended.

(4) Clause *i* of the said section 1 is amended by striking out the word "municipal" in the first line, so that the clause shall read as follows:

"public
work".

(i) "public work" shall mean any undertaking or improvement of a structural nature that is within the jurisdiction of the council or any local board.

1946, c. 71,
s. 1, cl. j,
repealed.

(5) Clause *j* of the said section 1 is repealed.

1946, c. 71,
s. 2, subs. 1,
re-enacted.

2. Subsection 1 of section 2 of *The Planning Act, 1946* is repealed and the following substituted therefor:

Establish-
ment of
planning
areas.

(1) Upon application by the council of a municipality, the Minister may define and name a planning area.

1946,
c. 71, s. 4,
subss. 1, 2,
3, re-
enacted.

3.—(1) Subsections 1, 2 and 3 of section 4 of *The Planning Act, 1946* are repealed and the following substituted therefor:

Composition
of planning
boards.

(1) The planning board shall be a body corporate by the name of "..... Board" (*inserting the name of the planning area*) and shall consist of,—

(a) where the planning area consists of one municipality, the head of the council of the municipality as a member *ex officio*; or

(b) where the planning area consists of more than one municipality, the head of the council of the designated municipality as a member *ex officio*,

and four, six or eight members who are not employees of a municipality or of a local board.

Idem.

(2) The members of a planning board who are members of a municipal council shall not constitute a majority of the members of the planning board.

Substitute
for head of
council.

(3) The head of a council who is *ex officio* a member of the planning board, with the approval of the council, may appoint a substitute to act for him from time to time.

1946, c. 71,
s. 4, subs. 4,
amended.

(2) Subsection 4 of the said section 4 is amended by striking out all the words after the word "council" in the third line and inserting in lieu thereof the words "from among such members, shall designate members who shall hold office for one year, two years and three years respectively so that as nearly as possible one-third of such members shall retire

each year; and the members of the planning board who are members of a council shall be appointed annually", so that the subsection shall read as follows:

- (4) The members of the planning board who are not ^{Term of office.} members of a municipal council shall hold office for three years, provided that on the first appointment the council, from among such members, shall designate members who shall hold office for one year, two years and three years respectively so that as nearly as possible one-third of such members shall retire each year; and the members of the planning board who are members of a council shall be appointed annually.

(3) Subsection 7 of the said section 4 is repealed and the following substituted therefor: ^{1946, c. 71, s. 4, subs. 7, re-enacted.}

- (7) A majority of the members of a planning board shall ^{Quorum.} constitute a quorum.

4. Section 12 of *The Planning Act, 1946*, as re-enacted by ^{1946, c. 71, s. 12} section 5 of *The Planning Amendment Act, 1947*, is amended ^{(1947, c. 75, s. 5), amended.} by inserting after the word "other" in the first line the words "general or special" and by inserting after the word "effect" in the second line the words "no public work shall be undertaken and", so that the section shall read as follows:

12. Notwithstanding any other general or special Act, ^{Public works and by-laws to conform with plan.} where an official plan is in effect no public work shall be undertaken and no by-law shall be passed for any purpose that does not conform therewith.

5. Section 13 of *The Planning Act, 1946*, as re-enacted by ^{1946, c. 71, s. 13} section 6 of *The Planning Amendment Act, 1947*, is repealed ^{(1947, c. 75, s. 6), re-enacted.} and the following substituted therefor:

13. A by-law that conforms with an official plan shall be ^{By-laws implementing plans.} deemed to implement the plan whether the by-law is passed before or after the plan.

6. Section 14 of *The Planning Act, 1946*, as re-enacted by ^{1946, c. 71, s. 14} section 7 of *The Planning Amendment Act, 1947*, is amended ^{(1947, c. 75, s. 7), amended.} by adding thereto the following subsection:

(6a) When,—

- (a) the objections to an application are not withdrawn and are, in the opinion of the committee, unfair and unreasonable; and

- (b) the committee so requests the Minister in writing,

^{Reference to Municipal Board.}

the Minister may refer the matter to the Ontario Municipal Board, and the Board shall have power to review the matter in such manner and to make such order as it deems proper, and the order of the Board shall be final.

1946, c. 71,
s. 23, subs. 1
(1947,
c. 75, s. 9),
amended.

7.—(1) Subsection 1 of section 23 of *The Planning Act, 1946*, as re-enacted by section 9 of *The Planning Amendment Act, 1947*, is amended by striking out the words “urban development area” in the second and third lines and inserting in lieu thereof the words “area of subdivision control” and by adding at the end of clause *a* the words “but the council may, in the by-law, designate land which although within a registered plan of subdivision shall be deemed not to be within a registered plan of subdivision for the purposes of this subsection”, so that the subsection shall read as follows:

Areas of
subdivision
control.

(1) The council may by by-law designate any area within the municipality as an area of subdivision control and thereupon no person shall convey land in the area by way of a deed or transfer on any sale or enter into an agreement of sale and purchase or enter into any agreement that has the effect of granting the use of or right in the land directly or by entitlement to renewal for a period of twenty-one years or more,—

- (a) unless the land is described in accordance with and is within a registered plan of subdivision, but the council may, in the by-law, designate land which although within a registered plan of subdivision shall be deemed not to be within a registered plan of subdivision for the purposes of this subsection;
- (b) unless the land is more than ten acres in area;
- (c) unless the land is the whole part remaining to the person of one parcel described in a registered conveyance to him; or
- (d) unless the consent of the planning board, if any, or where there is a subsidiary planning area, the planning board thereof, or the Minister, is given.

1946,
c. 71, s. 23,
subs. 3
(1947,
c. 75, s. 9),
amended.

(2) Subsection 3 of the said section 23 is amended by striking out the words “urban development area” in the first and second lines and inserting in lieu thereof the words “area

of subdivision control", so that the subsection shall read as follows:

- (3) When an area is designated as an area of subdivision control it shall not be altered or dissolved without the approval of the Minister. Alteration and dissolution.

8. Clause *b* of subsection 1 of section 24 of *The Planning Act, 1946* is repealed and the following substituted therefor: 1946, c. 71, s. 24, subs. 1, cl. b. re-enacted.

- (*b*) exercise the powers conferred upon councils by section 23 in respect to areas of subdivision control.

9. Where a council by by-law or the Minister by order has designated an area as an urban development area and the by-law or order is in force on the day this Act comes into force, the area shall be deemed to be an area of subdivision control. Existing urban development areas deemed areas of subdivision control.

10.—(1) Subsection 4*a* of section 25 of *The Planning Act, 1946*, as enacted by subsection 5 of section 11 of *The Planning Amendment Act, 1947*, is amended by striking out the words "not more than five per centum of the land therein" in the second and third lines and inserting in lieu thereof the words "land to an amount determined by the Minister but not exceeding five per centum of the land included in the plan", so that the subsection shall read as follows: 1946, c. 71, s. 25, subs. 4*a* (1947, c. 75, s. 11, subs. 5), amended.

- (4*a*) The Minister may impose as a condition to the approval of a plan of subdivision that land to an amount determined by the Minister but not exceeding five per centum of the land included in the plan shall be dedicated for public purposes, other than highways, and that highways shall be dedicated adequate for the needs of the subdivision, and when the subdivision abuts on an existing highway, that sufficient land, other than land occupied by buildings or structures, shall be dedicated to provide for the widening of the highway to a width of not more than forty-three feet from the centre line of the highway as originally established. Dedication of land for public and highway purposes.

(2) Subsection 5 of the said section 25 is amended by adding at the end thereof the words "and may in his discretion withdraw his approval at any time prior to his approval of a final plan for registration", so that the subsection shall read as follows: 1946, c. 71, s. 25, subs. 5, amended.

- (5) Upon settlement of the draft plan, the Minister may give his approval thereto and may in his discretion withdraw his approval at any time prior to his approval of a final plan for registration. Approval of draft plan by Minister.

1946, c. 71,
s. 25, subs. 8,
amended.

(3) Subsection 8 of the said section 25 is amended by inserting after the word "registered" in the first line the words "in the form of a linen tracing or transparent linen print of a type approved by the Minister", so that the subsection shall read as follows:

Lodging
of copies.

(8) A true copy of every plan of subdivision as registered in the form of a linen tracing or transparent linen print of a type approved by the Minister shall be lodged by the person who tendered it for registration in the office of the Minister, and when the land subdivided is in a planning area, with the secretary-treasurer of the planning board.

1946,
c. 71, s. 25,
amended.

(4) The said section 25 is amended by adding thereto the following subsections:

Withdrawal
of approval
of plan for
registration.

(7a) When a final plan for registration is approved by the Minister under subsection 7 and is not registered within one month of the date of approval, the Minister may withdraw his approval and may require that a new application be submitted.

.

Saving.

(9) Approval of a plan of subdivision by the Minister shall not operate to release any person from doing anything that he may be required to do by or under the authority of any other Act.

1946,
c. 71, s. 26
(1947,
c. 75, s. 12),
amended.

11. Section 26 of *The Planning Act, 1946*, as re-enacted by section 12 of *The Planning Amendment Act, 1947*, is amended by inserting after the word "plan" in the third line the words "and any contravention of section 12", so that the section shall read as follows:

Right to
restrain.

26. In addition to any other remedy or penalty provided by law, any contravention of a by-law that implements an official plan and any contravention of section 12 may be restrained by action at the instance of the planning board of the planning area in which the contravention took place or any municipality within or partly within such planning area or any ratepayer of any such municipality and any contravention of an order of the Minister made under section 24 may be restrained by action at the instance of the Minister or the municipality in which the contravention took place or any adjoining municipality or any ratepayer of any such municipality or adjoining municipality.

12. This Act shall come into force on the day it receives the Royal Assent. Commence-
ment of Act.

13. This Act may be cited as *The Planning Amendment Act, 1949.* Short title.

CHAPTER 72.

The Police Act, 1949.

*Assented to April 1st, 1949.**Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,—

Interpre-
tation,—

- (a) “association” means an association limited to one police force and having among its objects the improvement of conditions of service or remuneration of the members of a police force; “association”;
- (b) “board” means board of commissioners of police; “board”
- (c) “Commissioner” means Commissioner of Police for Ontario; and “Commissioner”;
- (d) “regulations” means regulations made under this Act. 1946, c. 72, s. 1; 1947, s. 77, s. 1, *amended*. “regulations”.

(2) Every improvement district shall for the purposes of this Act be deemed to be a township municipality unless it is otherwise designated by the Ontario Municipal Board. 1948, c. 68, s. 1. Act applies to improvement districts.

PART I.

DIVISION OF RESPONSIBILITY.

2.—(1) Every city and town shall be responsible for the policing of and maintenance of law and order in the municipality and for providing and maintaining an adequate police force in accordance with the police needs of the municipality. Policing in cities and towns;

(2) Every village and township which, or any part of which, has a density of population and real property assessment sufficient to warrant the maintenance of a police force and which has been so designated by the Lieutenant-Governor in Council shall, with regard to the municipality or part in villages and townships.

thereof, as the case may be, be responsible for the policing and maintenance of law and order and for providing and maintaining an adequate police force in accordance with the police needs of the municipality or part thereof. 1946, c. 72, s. 2 (1, 2), *amended*.

Special
circum-
stances.

(3) Where by reason of the establishment of any enterprise or because of any other reason special circumstances or abnormal conditions exist in any area which in the opinion of the Attorney General would render it inequitable that the responsibility for policing should be imposed on any municipality or on the Province the Lieutenant-Governor in Council may designate such area a special area and may require any company operating such enterprise or being the owner of such area to enter into an agreement for the policing of such area under section 52. 1946, c. 72, s. 2 (3).

Responsi-
bility of
Ontario
Provincial
Police
Force.

3.—(1) The Ontario Provincial Police Force shall be responsible for policing all that part of Ontario that is not within a municipality or part of a municipality referred to in section 2, provided that the Ontario Provincial Police Force shall not be responsible for policing any part of Ontario in which a municipal police force is maintained.

Additional
duties of
Ontario
Provincial
Police
Force.

(2) The Ontario Provincial Police Force, in addition to performing the policing services prescribed in subsection 1, shall,—

(a) maintain a traffic patrol on the King's Highways;

1946, c. 47.
Rev. Stat.,
c. 294.

(b) subject to any agreement in force under *The Liquor Licence Act, 1946*, enforce the provisions of *The Liquor Licence Act, 1946*, *The Liquor Control Act* and the regulations thereunder and any other laws designated by the Attorney General; and

(c) maintain a criminal investigation branch which shall be used to assist municipal police forces on the direction of the Attorney General or at the request of the Crown attorney. 1946, c. 72, s. 3; 1947, c. 77, s. 2, *amended*.

Failure
to provide
police.

4. Where the Commissioner reports to the Attorney General that a municipality mentioned in section 2 does not maintain a police force and is not provided with police services pursuant to an agreement under section 51 or 52, the Attorney General may take such action as he may deem necessary to secure the proper policing of the municipality by the Ontario Provincial Police Force and charge the municipality with the cost thereof which may be deducted from any grant payable out of pro-

vincial funds to the municipality, or may be recovered with costs by action in any court of competent jurisdiction as a debt due to His Majesty. *New.*

5.—(1) Where the Commissioner reports to the Attorney General that a municipality mentioned in section 2, or any other municipality that maintains its own police force, is not, in the maintenance of such police force, complying with this Act and the regulations, the Attorney General may communicate with the clerk of the municipality indicating that the provisions of this Act or the regulations are not being complied with and requesting the council of the municipality to take such steps as may be necessary to comply therewith. 1946, c. 72, s. 5 (1). Non-compliance with regulations.

(2) Where the council neglects to comply with a request made under subsection 1, the Attorney General may take such action as he may deem necessary to secure the proper policing of the municipality by the Ontario Provincial Police Force and charge the municipality with the cost thereof which may be deducted from any grant payable out of provincial funds to the municipality, or may be recovered with costs by action in any court of competent jurisdiction as a debt due to His Majesty. 1947, c. 77, s. 3. Action by Attorney General.

6. Where an area has been designated under subsection 3 of section 2 and the company required to enter into an agreement under section 52 refuses or neglects to enter into an agreement, the Ontario Provincial Police Force shall police the area and the cost thereof may be recovered with costs from the company by action in any court of competent jurisdiction as a debt due to His Majesty. 1947, c. 77, s. 4. Where company fails to enter into agreement.

PART II.

MUNICIPAL POLICE FORCES.

7.—(1) Notwithstanding any special Act, every city shall have a board and any village or township having a population in excess of 5,000 according to the last revised assessment roll and every county and town may, by by-law, constitute a board. 1946, c. 72, s. 6 (1); 1947, c. 77, s. 5, *amended*. Constitution of boards.

(2) The board shall, except as provided in subsection 3, consist of,— Board, how composed.

(a) the head of the council;

(b) a judge of any county or district court designated by the Lieutenant-Governor in Council; and

(c) such magistrate or Crown attorney as the Lieutenant-Governor in Council may designate.

Vacancies. (3) Where a vacancy occurs on the board by reason of the death of any member designated by the Lieutenant-Governor in Council, or where such member is unable to carry on his duties as a member of the board by reason of his illness or absence, the Attorney General may in writing appoint some other judge, magistrate or Crown attorney to act as a member of the board for a period of two months from the date of such appointment unless the Lieutenant-Governor in Council sooner appoints another member. 1946, c. 72, s. 6 (2, 3).

Remuneration. (4) The council shall provide for the payment of a reasonable remuneration, not being less than the minimum prescribed by the regulations, to the members of the board designated by the Lieutenant-Governor in Council or appointed by the Attorney General and may provide for the payment of an allowance to the head of the council. 1947, c. 77, s. 8.

Meetings. **8.**—(1) The board shall in each year hold such meetings as may be prescribed by the regulations and shall at its first meeting in each year elect a chairman.

Quorum. (2) A majority of the members of the board shall constitute a quorum.

Meetings open to public. (3) The meetings of the board shall be open to the public unless otherwise directed by the board. 1946, c. 72, s. 7.

Repeal of by-law. **9.** The by-law of a village, township, county or town constituting a board may, with the consent of the Attorney General, be repealed and if so repealed the board shall be dissolved on the 1st day of January next after the passing of the repealing by-law. 1946, c. 72, s. 8, *amended*.

By-law. **10.**—(1) A by-law of the board shall be sufficiently authenticated, if signed by its chairman or acting chairman, and a by-law purporting to be so signed shall be received in evidence in all courts, without proof of the signature.

Certified copy of by-law. (2) A copy of a by-law purporting to be certified by a member of the board to be a true copy, shall be received in evidence in all courts, without proof of the signature. 1946, c. 72, s. 9.

Board to summon witnesses. **11.** The board shall have the same power to summon and examine witnesses on oath as to any matter connected with the execution of its duties, to enforce their attendance, and to compel them to give evidence, as is vested in any court of law in civil cases. 1946, c. 72, s. 10.

12. The police force in a municipality having a board ^{Police force.} shall consist of a chief constable and as many constables and other police officers and such assistants as the council may deem necessary, but not fewer than the board reports to be required. 1946, c. 72, s. 12, *amended*.

13. The members of the police force in a municipality ^{Term of office.} having a board shall be appointed by and hold office during the pleasure of the board. 1946, c. 72, s. 13, *amended*.

14. Subject to the approval of the Lieutenant-Governor ^{Regulations by board.} in Council, any board may by by-law make regulations not inconsistent with regulations under section 62 for the government of the police force, for preventing neglect or abuse, and for rendering it efficient in the discharge of its duties. 1947, c. 102, s. 7 (1).

15.—(1) Notwithstanding the provisions of section 2, the ^{Police force subject to board.} board shall be responsible for the policing and maintenance of law and order in the municipality and the members of the police force shall be subject to the government of the board and shall obey its lawful direction. 1947, c. 77, s. 7.

(2) Every member of the police force, however appointed, ^{Members of police force to be subject to board.} for the municipality shall from and after the passing of a by-law establishing a board be subject to the government of the board to the same extent as if appointed by the board. 1946, c. 72, s. 15 (2), *amended*.

16.—(1) Where any motor vehicle, bicycle or any personal ^{Sale of stolen and abandoned property in possession of police.} property of any kind is in the possession of the board or a member of the police force by reason of having been stolen from its owner or by reason of having been found abandoned in any public place and the board is unable to ascertain the owner thereof, the board may cause the same to be sold or otherwise disposed of as hereinafter set forth and may retain to its own use the proceeds of such sale or disposition.

(2) When such property is perishable the sale or disposition ^{Procedure for sale.} of the same may be made at any time without notice of any kind, and when such property is not perishable, the board may, after the expiration of three months, sell the same by public auction after at least ten days' notice of the time and place of holding such auction has been given by publication once in a newspaper published in the municipality, and any such sale may be adjourned from time to time until the property is sold.

(3) This section shall be subject to the provisions of *The* ^{Rev. Stat., c. 288, not affected.} *Highway Traffic Act*. 1946, c. 72, s. 16.

Submission
of estimates
to council.

17. The board shall, on or before the 1st day of March in each year, prepare and submit to the council for its consideration and approval, its estimates of all moneys required for the year to pay the remuneration of the members of the police force and to provide and pay for offices, arms, equipment, clothing and other things for the accommodation, use and maintenance of the force. 1946, c. 72, s. 17; 1948, c. 68, s. 2.

APPOINTMENT BY MUNICIPAL COUNCIL.

Municipalities,—
where no
board.

18.—(1) The council of every town, village, county or township, not having a board, may establish a police force consisting of one or more constables or other police officers appointed by the council. 1946, c. 72, ss. 19, 21, *amended*.

Chief
constable.

(2) Where the police force has two or more members the council may appoint one member to be chief constable. *New*.

Police
villages.

19.—(1) The trustees of a police village may establish a police force consisting of one or more constables appointed by the trustees.

Salary.

(2) Every member of the police force may be paid by salary or may keep for his own use the fees of his office as the trustees may determine.

When fees
to belong
to village.

(3) Where a member of the police force is paid by salary the trustees may require that the fees of his office be paid to the treasurer of the township in which the village is situate or where the village comprises parts of two or more townships, to the treasurer of any or either of them for the use of the village.

Equipment.

(4) The trustees may provide and pay for offices, arms, equipment, clothing and other things for the accommodation, use and maintenance of the members of the police force. 1946, c. 72, s. 20, *amended*.

Cost of
policing
by levy.

20.—(1) The cost incurred by a township in maintaining its own police force or by reason of an agreement under section 51 or 52 may, if the council deems proper, be paid by a rate levied on any area or areas defined by the council.

Exemption
of farm
lands and
buildings.

(2) Whether or not any area has been defined under subsection 1 the council may exempt lands and buildings used exclusively in connection with farming from any rate levied for the purpose of paying such cost. 1947, c. 102, s. 7 (2).

Salary and
remunera-
tion.

21. The council by which a member of a police force is appointed may provide for the payment to him of such salary

or remuneration as the council may determine. 1946, c. 72, s. 23, *amended*.

22. The council may agree with a salaried member of the police force appointed either by the council or by the board that he shall keep for his own use the fees of his office, or may require them to be paid to the treasurer for the use of the municipality. 1946, c. 72, s. 24, *amended*. Fees of salaried police officer.

23.—(1) The council of a municipality may pay any sum required for the protection, defence or indemnification of any member of the police force, where an action or prosecution is brought against him, and costs are necessarily incurred or damages are recovered. Indemnifying police officers,—

(2) In a municipality having a board such sum shall be paid only where the board certifies that the case is a proper one for such payment or indemnity. 1946, c. 72, s. 25. in municipality having board.

24. The council may grant pecuniary aid or other assistance to the widows and children of members of the police force who are killed or die from injuries received, or from illness contracted in the discharge of their duties. 1946, c. 72, s. 26. Aid to widows and children in certain cases.

25. Where there is no board any member of the police force who has been charged with an offence against discipline under the regulations may be suspended from office by the head of the council of the municipality pending the disposition of the charge. 1947, c. 77, s. 9, *amended*. Power of suspension.

BARGAINING AND ARBITRATION.

26. A member of a police force shall not remain or become a member of any trade union or of any organization that is affiliated directly or indirectly with a trade union. 1947, c. 77, s. 10, *part*. Membership in trade union forbidden.

27.—(1) When requested in writing by a majority of the full-time members of the police force, the council of the municipality or where there is a board, the board shall bargain in good faith with a bargaining committee of the members of the police force for the purpose of defining, determining and providing for remuneration and working conditions of the members of the police force other than the chief constable, except such working conditions as may be governed by any regulations made by the Lieutenant-Governor in Council pursuant to this Act. 1947, c. 77, s. 10, *part*; 1948, c. 68, s. 3, *amended*. Bargaining.

(2) Where not less than fifty per centum of the full-time Association.

members of the police force belong to an association any request made under subsection 1 shall be made by the association.

Affiliated
body.

(3) In every case the members of a bargaining committee shall be full-time members of the police force, but where,—

- (a) the association is affiliated with any police organization; or
- (b) not less than fifty per centum of the full-time members of the police force belong to any police organization,

at all meetings held with the council of the municipality or any committee thereof, or the board, as the case may be, for the purpose of bargaining, the bargaining committee may be accompanied by one member of such organization who is actively engaged in the occupation of a police officer and who shall attend in an advisory capacity only. 1947, c. 77, s. 10, *part, amended*.

Board of
arbitration.

28.—(1) Except in the case of a police force having less than five members, where after bargaining under section 27 the council of the municipality or where there is a board, the board, or the members of the police force, or where there is a bargaining committee, the bargaining committee, is or are satisfied that an agreement cannot be reached, it or they, as the case may be, may by notice in writing to the other party require all matters in dispute to be referred to a board of arbitration of three members in which case the parties shall each appoint a member and the third member, who shall be the chairman, shall be appointed by the two members so appointed.

Failure to
appoint
member.

(2) Where either party fails to appoint a member of the board of arbitration within a reasonable time, or having appointed a person who is unable or unwilling to act, fails to appoint another member within a reasonable time, the Attorney General may, upon the written request of the other party, appoint a member in lieu thereof.

Failure to
appoint
chairman.

(3) Where the two members of the board of arbitration appointed by the parties fail, within five days of the appointment of the one last appointed, to agree upon a third member, the Attorney General may, upon notice in writing of such failure given to him by either of them or by either of the parties, appoint the third member. 1947, c. 77, s. 10, *part*.

Decision
of board of
arbitration.

(4) Where upon an arbitration, a majority of the members of the board of arbitration fail to agree upon any matter, the

decision of the chairman upon such matter shall be deemed to be the decision of the board of arbitration. 1948, c. 68, s. 4.

(5) Each party shall assume its own costs of the arbitration ^{Costs.} proceedings and shall share the cost of the third arbitrator equally. 1947, c. 77, s. 10, *part*.

29.—(1) In the case of a police force having less than ^{Reference to} five members, where after bargaining under section 27, the ^{Attorney} council of the municipality or where there is a board, the board, or the members of the police force, or where there is a bargaining committee, the bargaining committee, is or are satisfied that an agreement cannot be reached, it or they, as the case may be, may refer the matter to the Attorney General.

(2) Where a matter is referred to the Attorney General ^{Inquiry and} under subsection 1, the Attorney General may cause such ^{report.} inquiry to be made as he deems necessary and shall report his findings to the parties.

(3) The Attorney General may cause the report of his ^{Publication} findings to be published in such manner as he may deem ^{of report.} advisable. 1947, c. 77, s. 10, *part*.

30—(1) Every agreement made under section 27 and ^{Effect of} every decision or award of a majority of the members of the ^{agreement} board of arbitration under section 28 shall be binding upon ^{or award.} the council of the municipality, the board, where there is a board, and the full-time members of the police force.

(2) Nothing in this Act shall require the continuance in ^{Duration of} force of any agreement, decision or award for more than one ^{agreement} year from the date upon which it commenced to be in force. ^{or award.} 1947, c. 77, s. 10, *part*.

31.—(1) An agreement, decision or award shall have effect ^{Effect of} upon the first day of the fiscal period in respect of which the ^{agreement,} council of the municipality may include provision in its ^{decision or} estimates for any expenditures incurred in the agreement, ^{award.} decision or award, whether such day is before or after the date of the agreement, decision or award, unless another day is named in the agreement, decision or award in lieu thereof.

(2) Where, pursuant to subsection 1, another day is named ^{Idem.} in an agreement, decision or award as the day upon which the agreement, decision or award shall have effect and such day is prior to the first day of the fiscal period in respect of which the council of the municipality may include provision in its estimates for any expenditures involved in the agreement, decision or award, any of the provisions involving expenses shall, notwithstanding the naming of such day, have effect from the first day of such fiscal period. 1948, c. 68, s. 6 (1), *part*.

Provision
for expen-
diture
involved
in request.

32.—(1) Where a request in writing is made under subsection 1 of section 27 after the 30th day of November in any year and before the 1st day of December in the year next following and no agreement, decision or award has resulted therefrom at the time when the council is passing its estimates in the year next following the last-mentioned year, the council shall make adequate provision for the payment of such expenditures as may be involved in the request.

Non-
compliance
with subs. 1.

(2) Where the council of a municipality fails to comply with subsection 1, the Lieutenant-Governor in Council may,—

- (a) upon being requested in writing by a majority of the full-time members of the police force; and
- (b) upon determining the fact of such failure and so certifying in writing,

direct the withholding from the municipality of any grant at any time payable out of provincial funds to the municipality and the deposit of such a direction with the Treasurer of Ontario shall be his authority to withhold a grant accordingly.

Where
members
belong to
association.

(3) Where not less than fifty per centum of the full-time members of the police force belong to an association, any request made under subsection 2 shall be made by the association.

Revocation
of direction.

(4) Where a direction has been made under subsection 2, the Lieutenant-Governor in Council may, upon provision being made by the council of the municipality for the making of the expenditures involved, revoke such direction in whole or in part subject to any terms or conditions which he may deem advisable. 1948, c. 68, s. 6 (1), *part, amended*.

PART III.

PROVINCIAL SUBSIDIES FOR MUNICIPAL POLICE FORCES.

Interpre-
tation,—

33. In this Part,—

“member”;

(a) “member” means member of a police force;

“police
force”;

(b) “police force” means a police force within the meaning of Part II maintained by a city or town or by a village or township for the purpose of discharging its responsibility under subsection 2 of section 2; and

“popula-
tion”.

(c) “population” means population ascertained from the last revised assessment roll. *New*.

34.—(1) The Treasurer of Ontario may make an annual grant out of the Consolidated Revenue Fund to every municipality having a police force, and the amount of such grant shall be equal to the following proportion of the cost of the police force for the year preceding the year in which the grant is made,—

- (a) where the population of the municipality is less than 10,000, twenty-five per centum;
- (b) where the population of the municipality is 10,000 or more and less than 25,000, twenty per centum;
- (c) where the population of the municipality is 25,000 or more and less than 70,000, fifteen per centum; and
- (d) where the population of the municipality is 70,000 or more, ten per centum.

(2) Where a part of a village or township has a density of population and a real property assessment sufficient to warrant the maintenance of a police force and the part has been so designated by the Lieutenant-Governor in Council under subsection 2 of section 2, the population of the part or, where there is more than one part in any village or township, the total population of the parts shall be deemed to be the population of the municipality for the purposes of this section. *New.*

35.—(1) For the purposes of this Part the cost of the police force shall be the total of the amounts paid during the year by the municipality in respect of,—

- (a) the services of the members;
- (b) uniforms, clothing allowances, arms and personal equipment for the members;
- (c) office supplies and equipment and clerical assistance;
- (d) *The Workmen's Compensation Act* or benefit plan approved by the Workmen's Compensation Board;
- (e) liability and fire insurance premiums;
- (f) contributions to any pension plan for members where the plan is approved by the Superintendent of Insurance;
- (g) membership in and expenses of representatives attending meetings of police associations or any police college or police school established under this Act;

(h) communication systems, motor cars, trucks, patrol wagons, motor bicycles and other vehicles, bicycles and horses and equipment and the normal operation, maintenance and repair thereof; and

(i) such matters and things as the Lieutenant-Governor in Council may prescribe.

Interpre-
tation of
"paid".

(2) Where payment of any portion of the cost of the police force has been deferred to any subsequent year or where the money required to pay any portion of the cost of the police force has been raised by way of a loan or the issue of debentures, such portion shall, for the purposes of subsection 1, be deemed to be paid.

Municipal
policing
agreements.

(3) Where a city provides police services in another municipality pursuant to an agreement made under section 51,—

(a) the municipality shall be deemed to have a police force, and the payments made during the year under any such agreement shall be deemed to be the cost thereof;

(b) the amount of the grant shall be based upon the population of the municipality receiving the police services; and

(c) the city receiving payment for such police services shall deduct the amount thereof from the total of its cost before any claim is made by it under this Part.

Provincial
policing
agreements.

(4) Where the Commissioner provides police services in a municipality mentioned in section 2 pursuant to an agreement under section 52 made after the 1st day of April, 1949, the Commissioner shall determine the police cost of the municipality and the amount of the grant that would be payable under this Part if the municipality maintained an adequate and efficient police force and shall deduct such amount from the amount payable under the agreement. *New.*

Require-
ments for
payment.

36.—(1) No grant under section 34 shall be made,—

(a) unless all members of the police force are under *The Workmen's Compensation Act* or a benefit plan approved by the Workmen's Compensation Board;

(b) where the council of the municipality or the board is in default under Part II or under any agreement, decision or award made under the collective bargaining provisions of Part II; and

- (c) unless a pension plan approved by the Superintendent of Insurance has been established under which the contributions of the members and the municipality or board together equal or exceed ten per centum of their salaries and under which the contributions of the municipality equal or exceed the contributions of the members.

(2) A municipality may make a claim in the year 1949 based upon the cost of the police force for the year 1948 whether or not the requirements of subsection 1 were met in the year 1948. *New.* Claims in 1949.

37.—(1) The treasurer of a municipality making claim in any year to a grant under this Part shall, so soon as may be in the year after the cost of the police force for the preceding year has been determined, send to the Commissioner a statement in the form prescribed by the Commissioner signed by the head of the municipality, or where there is a board, the chairman of the board, and himself showing,— Treasurer's statement.

(a) that the requirements of section 36 have been met; and

(b) the cost of the police force for the preceding year together with such particulars thereof as the Commissioner may require.

(2) The Commissioner shall examine the statement and if he is satisfied as to the correctness thereof he shall so certify to the Treasurer of Ontario. Commissioner's certificate.

(3) Where the Commissioner notifies the treasurer of the municipality that he is not satisfied as to the correctness of the statement, the council of the municipality, within fourteen days of the receipt by the treasurer of the notice, may appeal any matter in dispute to the Ontario Municipal Board, whose decision thereon shall be final and shall be acted upon by the Commissioner. *New.* Appeal to Municipal Board.

38. After receipt of the certificate of the Commissioner and so soon as may be after the 1st day of November of the year in which the claim is made, the Treasurer of Ontario may make the grant provided for in section 34. *New.* Payment.

PART IV.

ONTARIO PROVINCIAL POLICE FORCE.

39.—(1) There shall be a Commissioner of Police for Ontario, who shall be appointed by the Lieutenant-Governor in Council. 1946, c. 72, s. 28 (1). Appointment of Commissioner of Police.

Powers and
duties of
Commis-
sioner.

(2) The Commissioner shall have the general control and administration of the Ontario Provincial Police Force and the employees connected therewith, and of all officers specially appointed for the enforcement of any statute of Ontario, and he and all such officers and employees and the members of the Force shall be responsible to the Attorney General. 1946, c. 72, s. 28 (2), *amended*.

Investiga-
tions by
Commis-
sioner.

(3) The Commissioner may hold an inquiry into the conduct of any member of the Ontario Provincial Police Force or of any officer or employee under his control and upon such inquiry shall have and may exercise all the powers and authority which may be conferred upon a person appointed under the provisions of *The Public Inquiries Act*. 1946, c. 72, s. 28 (3).

Rev. Stat.,
c. 19.

Commis-
sioner to be
ex officio
magistrate.

40.—(1) Unless otherwise provided by Order-in-Council, the Commissioner shall be *ex officio* a magistrate for the Province of Ontario and shall have and may exercise and perform the powers and duties of a magistrate, and may take informations and issue warrants or summonses in any city, town, county, provisional county or provisional judicial district or other locality in Ontario, and may make the same returnable in the city, town, county, provisional county, provisional judicial district or other locality in which the offence charged is alleged to have been committed.

Exercise of
jurisdiction.

Rev. Stat.,
c. 133.

(2) The jurisdiction conferred by subsection 1 may be exercised by the Commissioner notwithstanding that there is in the locality in which he acts, a magistrate, who, under *The Magistrates Act* or any other statute, has jurisdiction exclusive or otherwise. 1946, c. 72, s. 29.

Ontario
Provincial
Police
Force.

41.—(1) The Ontario Provincial Police Force shall consist of the Commissioner and such constables and other police officers as the Lieutenant-Governor in Council may appoint.

Employees.

(2) The Lieutenant-Governor in Council may appoint such employees as may be required in connection with the Force. 1946, c. 72, s. 30, *amended*.

Duties of
members of
Force.

42.—(1) It shall be the duty of the members of the Ontario Provincial Police Force subject to this Act and the orders of the Commissioner,—

- (a) to perform all duties which now are or hereafter shall be assigned to constables in relation to the preservation of the peace, the prevention of crime and of offences against the laws in force in the Province and the criminal laws of Canada and the appre-

hension of criminals and offenders and others who may be lawfully taken into custody;

- (b) to execute all warrants, perform all duties and services thereunder or in relation thereto which may, under the laws in force in the Province, be lawfully executed and performed by constables;
- (c) to perform all duties which may be lawfully performed by constables in relation to the escort and conveyance of convicts and other prisoners and mentally incompetent persons to and from any courts, places of punishment or confinement, hospitals or other places; and
- (d) generally to perform such duties as may from time to time be assigned to them by the Commissioner.

(2) Except under the provisions of an agreement entered into under section 52 the Ontario Provincial Police Force shall not be charged with any duties under or in connection with any municipal by-laws. 1946, c. 72, s. 31.

43.—(1) Any money appropriated by the Legislature for the purpose of enforcing or preventing the contravention of the laws of Ontario or Canada, or of any regulation made thereunder shall be known as the "Law Enforcement Fund" and payments from the Fund shall be made under the direction of the Attorney General to such persons and for such purposes as he may think proper, to be expended in such law enforcement, including the cost of the Ontario Provincial Police Force.

(2) The certificate or order of the Attorney General that any sum of money is required to be paid out of the Fund shall be sufficient authority for the issue of a cheque by the Treasurer of Ontario for the amount named in such certificate or order, and the officer or other person to whom such cheque is issued shall account for the proper disbursement of the proceeds thereof to the Attorney General whose approval of the account shall be final.

(3) Where any member of the Ontario Provincial Police Force is engaged in a matter of extradition or other special investigation, or where he performs any act or discharges any duty with the authority and under the direction of the Attorney General, he shall be allowed such travelling, incidental and other expenses as the Attorney General may approve and they shall be paid out of the Fund. 1946, c. 72, s. 32.

Service
badges.

44.—(1) The Lieutenant-Governor in Council may provide for the granting of service badges to the members of the Ontario Provincial Police Force or any class thereof and for money allowances to be paid to the members entitled to any service badge.

Allowances.

(2) The money allowance shall be paid out of the Law Enforcement Fund and shall be deemed to be part of the salary of the member. *New.*

PART V.

GENERAL.

Constables
empowered
to act
throughout
Ontario.

45. Every chief constable, constable and other police officer, except a special constable or a by-law enforcement officer, shall have authority to act as a constable throughout Ontario. 1946, c. 72, s. 34; 1947, c. 77, s. 13, *amended*.

Duties and
powers of
members of
police forces.

46. The members of police forces appointed under Part II shall be charged with the duty of preserving the peace, preventing robberies and other crimes and offences, including offences against the by-laws of the municipality, and apprehending offenders, and laying informations before the proper tribunal, and prosecuting and aiding in the prosecuting of offenders, and shall have generally all the powers and privileges and be liable to all the duties and responsibilities that belong to constables. 1946, c. 72, s. 35.

Investiga-
tion and
report by
Commis-
sioner.

47.—(1) The Attorney General may require the Commissioner or any other person, to investigate, inquire into and report to the Attorney General upon the conduct of any chief constable, constable, police officer, special constable or by-law enforcement officer, the administration of any police force, the system of policing any municipality and the police needs of any municipality,—

- (a) at the request of the council of any municipality, in which case the municipality, unless the Attorney General otherwise directs, shall pay the cost of such investigation; or
- (b) without the request of the council of a municipality, in which case the cost of such investigation shall be paid out of the Consolidated Revenue Fund. 1946, c. 72, s. 36 (1); 1948, c. 68, s. 9, *amended*.

(2) The person directed to hold such investigation shall have all the powers and authority which may be conferred upon a person appointed under *The Public Inquiries Act*. Powers of investigator.
Rev. Stat.,
c. 19.

(3) The report of an investigation made at the request of the council of a municipality shall be communicated by the Attorney General to the council of such municipality. 1946, c. 72, s. 36 (2, 3). Report to be communicated to council.

48.—(1) The Crown attorney may request the services of the Ontario Provincial Police Force in any area for the policing of which a municipality or board is responsible and the cost of furnishing such services shall be certified by the Crown attorney or the Commissioner and, unless the Attorney General otherwise directs, the amount so certified shall be paid by the municipality to the Treasurer of Ontario and may be deducted from any grant payable out of provincial funds to the municipality or recovered with costs by action in any court of competent jurisdiction as a debt due to His Majesty. 1947, c. 77, s. 11; 1948, c. 68, s. 7, *amended*. Expenses of provincial police,—when payable by municipality.

(2) In a provisional judicial district the treasurer of the district may, on the written request of the Crown attorney, make an advance to any member of the Ontario Provincial Police Force for the purpose of paying reasonable and necessary expenses incurred in any criminal matter. 1946, c. 72, s. 33 (2). Advances to provincial police in districts.

49.—(1) A board or council responsible for the policing of a municipality or part thereof, may by resolution request the Commissioner to furnish the assistance of the Ontario Provincial Police Force in maintaining law and order or investigating an offence within the municipality and the Commissioner may provide such assistance as he deems necessary. 1947, c. 77, s. 12, *part*. Municipality may request assistance of provincial police.

(2) Where such assistance is provided in an area for the policing of which the board or municipality is responsible, the expense incurred shall be certified by the Commissioner and, unless the Attorney General otherwise directs, the amount certified shall be paid by the municipality to the Treasurer of Ontario and may be deducted from any grant payable out of provincial funds to the municipality or recovered with costs by action in any court of competent jurisdiction as a debt due to His Majesty. 1947, c. 77, s. 12, *part*; 1948, c. 68, s. 8. Expenses,—how payable.

50. The obligation of a municipality to provide and maintain a police force may be discharged by entering into an agreement under the provisions of section 51 or 52. 1946, c. 72, s. 37, *amended*. Obligation of municipality to provide police force.

Officers and constables,—agreement as to services.

51. The board, or if none, the council of any municipality bordering on or situate within ten miles of a city, may by agreement with the board of the city provide that the services of members of the police force of the city shall be available in the municipality on such terms and conditions as may be set forth in the agreement, and the board of a city shall have power to enter into agreements under the authority of this section. 1947, c. 77, s. 14.

Agreement for provincial police to police municipalities.

52.—(1) Subject to the approval of the Lieutenant-Governor in Council the Commissioner may enter into an agreement with the council of any municipality for the policing of the whole or any part of the municipality, or with any company for the policing of any area, by the Ontario Provincial Police Force. 1946, c. 72, s. 39 (1), *amended*.

No agreement except on request of board.

(2) In municipalities having a board no agreement shall be entered into under this section except at the request of the board.

Rates of pay to be considered.

(3) No agreement shall be entered into under this section with a municipality at a cost which is less than the aggregate of police salaries paid by the municipality or where in the opinion of the Commissioner such an agreement is sought for the purpose of defeating the collective bargaining provisions of this Act. 1947, c. 77, s. 15, *part*.

Duties.

(4) Where an agreement has been entered into under subsection 1 the members of the Ontario Provincial Police Force assigned to duty in the municipality or area shall be charged with the duty of preserving the peace, preventing crime and other offences, including offences against the by-laws of the municipality, and shall perform such other duties as may be specified in the agreement.

Moneys to be paid into Consolidated Revenue Fund.

(5) The moneys received from a municipality or company pursuant to an agreement entered into under subsection 1 shall be paid into the Consolidated Revenue Fund. 1946, c. 72, s. 39 (2, 3).

Fines, etc.

(6) Where a municipality is entitled to receive fines or the proceeds of estreated recognizances because of prosecutions instituted by constables appointed by the council or by a board and the municipality has entered into an agreement with the Commissioner or with another municipality to furnish police services such members of the Ontario Provincial Police Force or of the police force of the other municipality as are assigned for duty under the agreement shall, for the purposes of the disposition of any such fines or proceeds, be deemed to be constables of the first-mentioned municipality. 1947, c. 77, s. 15, *part*.

53. Where pursuant to section 52 the Commissioner enters into an agreement with a municipality having a board, the provisions of sections 12, 13, 14 and 15 shall not apply but the board shall act in an advisory capacity to the senior officer of the Ontario Provincial Police Force in the municipality and to the Commissioner with respect to the policing of the municipality. 1947, c. 77, s. 16 (1), *part*.

When board
to act in
advisory
capacity.

54.—(1) Every person appointed to be a chief constable, constable or other police officer shall before entering on the duties of his office, and every special constable when thereunto required, take and subscribe the following oath:

I, _____, do swear that I will well and truly serve Our Sovereign Lord the King in the office of constable (*or as the case may be*) for the _____ of _____ without favour or affection, malice or ill-will; and that to the best of my power, I will cause the peace to be kept and preserved, and prevent all offences against the persons and properties of His Majesty's subjects; and that while I continue to hold the said office, I will, to the best of my skill and knowledge, discharge all the duties thereof faithfully according to the law: So help me God.

C. D.

Sworn, etc.

1946, c. 72, s. 40 (1), *amended*.

(2) The oath of every member of a municipal police force shall be deposited in the office of the clerk of the municipality or of the secretary of the board of the municipality for which he is appointed. 1946, c. 72, s. 40 (2).

Disposition
of oath.

55. The expenses of and incidental to the calling out of the active militia in aid of the civil powers under the *Militia Act* shall be paid by the corporation of the city or separated town wherein their services are required and in the case of other municipalities, by the county. 1946, c. 72, s. 41.

Active
militia,—
calling out.
R.S.C.,
c. 132.

56. The Commissioner may suspend or dismiss from office any county constable heretofore appointed under *The Constables Act*. 1946, c. 72, s. 42.

Suspension
and dis-
missal.
Rev. Stat.,
c. 140.

57. A municipality having any interest in a building or area beyond the boundaries of the municipality may undertake and agree to pay the whole or a portion of the cost of policing such building or area. 1947, c. 77, s. 16 (1), *part*.

Policing
building
or area
beyond
boundaries
of muni-
cipality.

58.—(1) The Commissioner, a county court judge, a district court judge or a magistrate may, by written authority, appoint any person to act as special constable for such period, area and purpose as to him may seem expedient.

Special
constables.

(2) Where an appointment is made by a judge or a magistrate, written notice of the appointment and the circumstances which render it expedient shall be forthwith transmitted to the Commissioner.

Notice of
appoint-
ment.

Suspension
or termina-
tion of
services.

(3) The judge or magistrate who has appointed a special constable, or the Commissioner, may suspend or terminate the services of such constable and written notice of the suspension or termination shall, if made by the judge or magistrate, be forthwith transmitted to the Commissioner.

Oath of
special
constable.

(4) Every authority appointing a special constable shall require him to take and subscribe an oath similar to that set out in subsection 1 of section 54. 1947, c. 77, s. 16 (1), *part*.

By-law
enforce-
ment
officer.

59. The council of any municipality or the trustees of any police village may appoint one or more by-law enforcement officers who shall have the authority of a constable with respect to the enforcement of the by-laws of the municipality or police village, as the case may be. *New*.

Causing
disaffection,
etc.

60.—(1) Every person, including a member of a police force who,—

- (a) causes or attempts to cause, or does any act calculated to cause disaffection among the members of a police force;
- (b) induces or attempts to induce, or does any act calculated to induce a member of a police force to withhold his services or commit a breach of discipline; or
- (c) being a member of a police force, withholds his services,

shall be guilty of an offence and liable on summary conviction to a penalty of not more than \$500 or to imprisonment for a term not exceeding one year or both.

Consent of
Attorney
General.

(2) No prosecution shall be instituted under this section without the consent of the Attorney General.

Disqualifica-
tion and
forfeiture
of rights.

(3) Where a person convicted of an offence under subsection 1 is a member of a police force, he shall,—

- (a) cease to be a member and shall not thereafter be appointed to any police force; and
- (b) subject to any agreement with or by-law of the municipality, forfeit all pension rights under any pension scheme of such police force except his right to receive such moneys as he has paid into any fund under such scheme with interest at the rate payable under the scheme. 1947, c. 77, s. 16 (1), *part, amended*.

61. The Commissioner may establish, maintain and operate a central police college for the training of members of police forces and may provide for such regional police schools and travelling instructors as he may deem advisable. *New.*

REGULATIONS.

62.—(1) The Lieutenant-Governor in Council may make regulations,—

- (a) for the government of police forces and governing the conduct and duties of members of police forces;
- (b) prescribing the qualification and age limits of persons to be appointed to police forces;
- (c) prescribing the minimum salary or other remuneration and allowances which shall be payable to members of police forces;
- (d) prescribing the minimum remuneration which shall be paid by a municipality to the members of boards who are designated by the Lieutenant-Governor in Council or appointed by the Attorney General;
- (e) prescribing the minimum number of members of police forces that shall be employed either upon a basis of population, area, property assessment or any combination thereof or upon any other basis;
- (f) prescribing requirements respecting clothing and equipment to be furnished by municipalities;
- (g) prescribing courses of training for members of police forces;
- (h) providing for or granting financial aid to and the administration and course of study in a police training school;
- (i) prescribing or regulating the number of meetings to be held by boards and the times and places at which they are to be held;
- (j) prescribing the records, returns, books and accounts to be kept and made by police forces or the members thereof;
- (k) prescribing the method of accounting for fees and costs and other money which comes into the hands of members of police forces;

(l) respecting any matter relating to the Commissioner and the Ontario Provincial Police Force as may be deemed necessary; and

(m) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1946, c. 72, s. 43 (1); 1947, c. 77, s. 17; 1948, c. 68, s. 10, *amended*.

Regulations
may be
general or
particular.

(2) Any regulations made under the authority of subsection 1 may be general or particular in their application. 1946, c. 72, s. 43 (2).

1946, c. 72;
1947, c. 77,
102, s. 7;
1948, c. 68,
repealed.

63. *The Police Act, 1946, The Police Amendment Act, 1947, section 7 of The Statute Law Amendment Act, 1947 (No. 2) and The Police Amendment Act, 1948 are repealed.*

Commence-
ment of Act.

64. This Act shall be deemed to have come into force on the 1st day of January, 1949.

Short title.

65. This Act may be cited as *The Police Act, 1949*.

CHAPTER 73.

An Act to amend The Power Commission Act.

Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 6 of *The Power Commission Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 62, s. 6,
subs. 1,
re-enacted.

- (1) The Commission may appoint and employ upon such terms of employment as it deems desirable a general manager, chief engineer, secretary and such other officers and employees as it may deem requisite.

Officers
and
employees.

2.—(1) Subsection 1 of section 7 of *The Power Commission Act*, as amended by section 3 of *The Power Commission Amendment Act, 1946*, is further amended by striking out the words "make to the Lieutenant-Governor in Council, for the information of the Assembly" in the second and third lines and inserting in lieu thereof the words "file with the Provincial Secretary", so that the subsection, exclusive of the clauses, shall read as follows:

Rev. Stat.,
c. 62, s. 7,
subs. 1,
amended.

- (1) The Commission shall, before the 1st day of March in each year, file with the Provincial Secretary an annual report, which shall contain, among other things, clear and comprehensive statements disclosing and exhibiting,—

Annual
report.

X

(2) Subsection 2 of the said section 7 is repealed and the following substituted therefor:

Rev. Stat.,
c. 62, s. 7,
subs. 2,
re-enacted.

- (2) The annual report shall be signed by the chairman or vice-chairman of the Commission.

Signing
of report.

- (3) The Provincial Secretary shall submit the report to the Lieutenant-Governor in Council and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session.

Tabling
of report.

Rev. Stat.,
c. 62, s. 11a,
subs. 2 (1948,
c. 69, s. 3),
amended.

3. Subsection 2 of section 11a of *The Power Commission Act*, as enacted by section 3 of *The Power Commission Amendment Act, 1948*, is amended by inserting after the figures and letter "21b" in the fifth line the word, figures and letters "21c or 21d", so that the subsection shall read as follows:

Use of
moneys.

- (2) Any or all of the amounts at the credit of the frequency standardization reserve account may be used in the discretion of the Commission for meeting any expenditure or costs made or incurred under section 21b, 21c or 21d, except expenditure or costs made or incurred in respect to works held by it under section 71.

Rev. Stat.,
c. 62, s. 17,
re-enacted.

4.—(1) Section 17 of *The Power Commission Act* is repealed and the following substituted therefor:

Pension and
Insurance
Fund.

- 17.—(1) There shall be a fund known as The Pension and Insurance Fund of The Hydro-Electric Power Commission of Ontario, in this section referred to as the "fund", for the payment of benefits by way of pensions or superannuation allowances to, or allowances upon the death or disability of, such employees of the Commission as the Commission may determine in accordance with this section and any regulations made hereunder, and for the purposes of this section "employee" includes any person in the employ of the Commission on or after the 1st day of November, 1947.

Superseding
former
pension
fund and
retirement
fund.

- (2) The fund shall supersede,—
- (a) the pension fund established by the Commission with the approval of the Lieutenant-Governor in Council on the 29th day of October, 1923, and administered under regulations and amendments thereof approved by the Lieutenant-Governor in Council on the 29th day of October, 1923, the 26th day of March, 1926, the 25th day of June, 1926, the 15th day of December, 1938, the 28th day of December, 1939, and the 16th day of June, 1944; and
- (b) the retirement fund established by the Commission with the approval of the Lieutenant-Governor in Council on the 24th day of November, 1942.

Transfer of
funds.

- (3) The moneys, securities and other assets in or credited to the pension and retirement funds mentioned in

subsection 2 shall be transferred to the fund and it shall consist of the said moneys, securities and other assets and such amounts as may be contributed thereto by the Commission and its employees.

- (4) The regulations referred to in clause *a* of subsection 2 shall continue to apply to all pensions granted ^{Payment of prior pensions.} before the 1st day of November, 1947, from the pension fund mentioned therein, but all such pensions and death benefits in respect thereof shall be paid by the Commission out of the fund.
- (5) The contributions of the employees towards the cost of the benefits mentioned in subsection 1 shall be as ^{Contributions of employees.} prescribed by the regulations made under this section and be paid into the fund in accordance therewith.
- (6) The Commission shall contribute towards the cost of the benefits mentioned in subsection 1 the amount ^{Contributions of Commission.} of the difference between the amount of the contributions of the employees and the amount of the cost of the benefits as determined by actuarial valuations.
- (7) The Commission may enter into agreement with one ^{Insurance.} or more insurers licensed under *The Insurance Act*, ^{Rev. Stat., c. 256.} for,—
 - (a) providing insurance by way of death or disability benefits for such employees of the Commission as the Commission may determine in accordance with this section and any regulations made hereunder; and
 - (b) payment by the Commission of the cost of the benefits mentioned in clause *a*,

and the cost referred to in clause *b* shall be charged by the Commission against the fund.
- (8) The contribution by the Commission towards the cost of pensions and life insurance provided by any ^{Commission's contribution confirmed.} contract heretofore entered into by or on behalf of an employee of the Commission with an insurer licensed under *The Insurance Act* is hereby authorized and declared to be legal and valid as of the date of making any such contribution.
- (9) Subject to the approval of the Lieutenant-Governor ^{Regulations.} in Council, the Commission may make regulations,—

- (a) establishing The Pension and Insurance Plan of The Hydro-Electric Power Commission of Ontario, herein called the "plan";
- (b) prescribing the class or classes of employees who are eligible to be members of the plan, the time at which membership shall commence, and the period of time thereafter within which an employee may elect not to be a member of the plan;
- (c) providing for the payment out of the fund of the contributions made by any employee to the fund or to either of the superseded funds referred to in subsection 2 where such employee elects not to be a member of the plan;
- (d) prescribing the period of employment with the Commission alone, or with a previous employer and the Commission, that shall constitute service for the purpose of determining pension benefits;
- (e) prescribing the persons who may receive benefits under the plan;
- (f) prescribing the contributions to the fund by employees and the rate or rates at which interest shall be calculated when payments are made out of the fund of any such contributions and of any contributions to either of the superseded funds referred to in subsection 2;
- (g) prescribing the amount for which any employee or pensioner shall be insured from time to time;
- (h) prescribing the payments to be made from the fund, or by an insurer, upon,
 - (i) termination of employment,
 - (ii) retirement from employment on pension,
 - (iii) disability, or
 - (iv) death,and the terms and conditions upon which, and the person or persons to whom, the same shall be made;

- (i) providing for payment out of the fund of the cost of any benefits provided under any agreement referred to in subsection 7 or 8;
 - (j) prescribing the intervals of time within which an actuarial valuation of the fund shall be made; and
 - (k) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this section.
- (10) The Commission may extend the provisions of this ^{Employees of Sandwich, Windsor and Amherstburg Railway.} section to the employees of the Sandwich, Windsor and Amherstburg Railway, herein referred to as the "railway", to whom the provisions pertaining to the pension fund referred to in clause *a* of subsection 2 applied on the 1st day of November, 1947, whereupon the said employees of the railway shall be deemed to be members of the plan, but it shall not do so unless the railway, its successors and assigns, for itself and its said employees, undertakes to pay and pays to the Commission the full actuarial cost of such benefits for the said employees of the railway.
- (11) Until such time as the railway makes payment of ^{When former regulations applicable.} the cost as provided by subsection 10, the regulations respecting the pension fund referred to in clause *a* of subsection 2 shall continue in effect with respect to the said employees of the railway provided that the contributions specified in those regulations do not cease to be paid to the Commission for any cause other than death or retirement on pension.
- (12) The fund shall be maintained and administered by ^{Cost to Commission chargeable to administration.} the Commission and the cost to the Commission of maintaining and administering it shall be deemed to be part of the cost of the administration of the Commission and shall be chargeable accordingly.
- (13) The interest of any person in the fund or in any ^{Freedom from attachment.} benefit payable therefrom shall not be subject to garnishment, attachment or seizure or any legal process and shall not be assignable.
- (2) This section, together with the regulations first made ^{Effective date.} under section 17 as re-enacted by subsection 1, shall be deemed to have come into force on the 1st day of November, 1948, but any employee who contributed to any former plan and who, while in the employ of the Commission, retired or died during the year immediately preceding the 1st day of

November, 1948, shall, or his beneficiary or personal representative shall, as the case may be, be entitled to benefit under the new plan in the same manner and to the same extent as if the effective date of the new plan had been the date of retirement or death, whichever first occurred, of any such employee.

Rev. Stat.,
c. 62, s. 21,
subs. 2,
cls. c, d,
re-enacted.

5. Clauses *c* and *d* of subsection 2 of section 21 of *The Power Commission Act* are repealed and the following substituted therefor:

To acquire
and con-
struct works
for produc-
tion and use
of electricity.

(c) generate and produce electrical, pneumatic, hydraulic, mechanical or other power or energy at places in Ontario by the use of water, coal, steam or oil, or by any other means, and transform, transmit, make available for use, distribute, deliver, sell, supply and generally use for the purposes of the Commission the electrical, pneumatic, hydraulic, mechanical or other power or energy and connect the works constructed or installed for these purposes with any other power works and with any system;

To acquire
and use real
and personal
property for
the genera-
tion and use
of electrical
power.

(cc) for the purposes of clause *c* acquire by purchase, lease or otherwise, hold, improve and use real and personal property, acquire by purchase or otherwise water, coal, steam, oil and other supplies, and construct, maintain and operate works, including without limiting the generality of the foregoing, development works, generating plants, transformer stations, transmission lines, switching and regulating works, distribution lines, access and other roads, and all other equipment, plant and works and things required for or incidental to any of such purposes;

Works on
provincial
boundaries.

(d) acquire by purchase, lease or otherwise, lands, works, waters, water privileges and water powers upon or adjacent to the boundary line between Ontario and any other province and situate in Ontario, or in such other province, or partly in one and partly in the other of them, and erect, construct, maintain and operate upon any lands so acquired, works for the generation, transformation and transmission of electrical, pneumatic, hydraulic, mechanical or other power or energy, and enter into agreements with the Crown in right of such other province or with any commission appointed by the Lieutenant-Governor in Council of such other province or otherwise lawfully appointed or any other person interested in or affected by such works as to the terms and conditions upon which such works shall be constructed and operated and any rights so acquired be exercised.

6.—(1) Clauses *b*, *d* and *e* of section 21*b* of *The Power Commission Act*, as enacted by section 3 of *The Power Commission Amendment Act, 1948*, are repealed and the following substituted therefor:

Rev. Stat.,
c. 62, s. 21*b*,
cls. *b*, *d*, *e*
(1948, c. 69,
s. 3), re-
enacted.

- (*b*) for the purposes of standardizing and making uniform the periodicity in alternations of current at which electrical power or energy generated or procured by it is utilized and with the consent of the owner, alter, reconstruct, rebuild, re-assemble, construct, extend, replace or do whatever else may be necessary in respect of the electrical equipment, apparatus, appliances, devices and works of any person by which such electrical power is taken and used, except meters of any municipal corporation or commission or the electrical equipment, apparatus, appliances, devices or works of any municipal corporation or commission used for distribution stations or distribution or street lighting systems;

.

- (*d*) bear the expense of anything done pursuant to clause *b* to the electrical equipment, apparatus, appliances, devices or works of commercial lighting consumers, or domestic or rural consumers other than rural power consumers;
- (*e*) charge to and collect from the owners of electrical equipment, apparatus, appliances, devices or works other than the electrical equipment, apparatus, appliances, devices or works mentioned in clause *d* the expense of anything done thereto pursuant to clause *b* to the extent approved by the Lieutenant-Governor in Council and bear the balance of such expense.

(2) Notwithstanding subsection 1, the Order in Council made the 4th day of November, 1948, pursuant to sections 21*a* and 21*b*, shall remain in force until revoked by the Lieutenant-Governor in Council.

Order in
Council of
Nov. 4th,
1948, to
remain
in force.

7. *The Power Commission Act* is amended by adding thereto the following sections:

Rev. Stat.,
c. 62,
amended.

- 21*c*. The Commission may do whatever will in its opinion effect a reduction in the cost of anything done or to be done under clause *a* or *b* of section 21*b*.

Reduction
of cost of
frequency
change-over.

- 21*d*. Where the owner of any electrical equipment, apparatus, appliances, devices or works by which

Change
made by
owner.

is utilized electrical power or energy generated or procured by the Commission changes them with the approval of the Commission in order to take the electrical power or energy at a changed periodicity in alternations in current, the Commission may bear the expense of the change to the same extent as if it had effected the change itself under clause *b* of section 21*b*.

Ownership
of replaced
equipment.

- 21*e*. Electrical equipment, apparatus, appliances, devices or works, or any part thereof, replaced by the Commission under clause *b* of section 21*b* shall become the property of the Commission.

Conversion
not a
breach of
contract.

- 21*f*. Nothing done under section 21*a* shall be deemed a breach of contract by the Commission or entitle any person to rescind any agreement or release any guarantor from the performance of his obligation.

Limitation
of actions
arising
from
frequency
change-over.

- 21*g*.—(1) No action shall be brought against any person in respect of anything done under or pursuant to or to give effect to section 21*a*, 21*b* or 21*c* after the expiration of one year commencing on the date when the cause of action arose.

Notice of
claim.

- (2) No action shall be brought against any person in respect of anything done under or pursuant to or to give effect to section 21*a*, 21*b* or 21*c* unless notice in writing of the claim has been served upon or sent by registered post to such person within ninety days after the cause of action arose.

No right
of action
in certain
cases.

- (3) No action shall be brought against any person, and no person shall be liable for loss of use of anything, or loss of production of or by anything, or loss of profits by reason of anything done pursuant to, or to give effect to, section 21*a*, 21*b* or 21*c*.

Saving.

- (4) Subsections 1 and 2 shall not apply to any action between the Commission and any person in respect of or arising from any agreement between the Commission and such person for the doing by such person for the Commission of anything to give effect to section 21*a*, 21*b* or 21*c*.

Rev. Stat.,
c. 62, s. 39,
subs. 1,
re-enacted.

8.—(1) Subsection 1 of section 39 of *The Power Commission Act*, as amended by section 4 of *The Power Commission Amendment Act*, 1943, is repealed and the following substituted therefor:

- (1) Subject to the approval of the Lieutenant-Governor in Council, the Commission may borrow from time to time such sums of money as the Commission may deem requisite for any of the purposes of the Commission and may issue notes, bonds, debentures or other securities and the Commission shall have power and shall be deemed always to have had power to make such securities bear such rate or rates of interest and make such securities payable as to principal and interest at such time or times and in such manner and at such place or places in Canada or elsewhere and in the currency or currencies of such country or countries as the Commission with the approval of the Lieutenant-Governor in Council may determine. General borrowing powers.
- (2) Subsection 2 of the said section 39 is amended by striking out the word "made" in the second line of clause *b* and inserting in lieu thereof the word "raised", and by adding thereto the following clauses: Rev. Stat., c. 62, s. 39, subs. 2, amended.
- (d) payment of the whole or any part of any other liability or indebtedness of the Commission;
- (e) carrying out any of the powers and purposes of the Commission referred to in sections 21, 21*a*, 21*b*, 21*c*, 21*d*, 28 and 71, or in respect of the acquisition or construction of works referred to in section 47, providing in whole or in part for expenditures of the Commission made or to be made in connection therewith, reimbursing the Commission for any such expenditures heretofore or hereafter made, and repaying in whole or in part any temporary borrowings of the Commission for any of such purposes.
- ¶ (3) The said section 39 is further amended by adding thereto the following subsections: Rev. Stat., c. 62, s. 39, amended.
- (7) The notes, bonds, debentures and other securities of the Commission shall be in such form or forms and shall be executed in such manner as the Commission may determine. Form and execution of securities.
- (8) The Commission may provide that the seal of the Commission may be engraved, lithographed, printed or otherwise mechanically reproduced on any security to which it is to be affixed and that any signature upon any such security and upon the coupons, if any, attached thereto may be engraved, lithographed or printed or otherwise mechanically reproduced thereon. Reproduction of seal and signatures.

Effect of
mechanical
reproduction
of seal and
signatures.

- (9) The seal of the Commission when so mechanically reproduced shall have the same force and effect as if manually affixed and such mechanically reproduced signatures shall for all purposes be valid and binding upon the Commission notwithstanding that any person whose signature is so reproduced has ceased to hold office before the date of the security or before the issue thereof.

Rev. Stat.,
c. 62, s. 42,
re-enacted.

9. Section 42 of *The Power Commission Act* is repealed and the following substituted therefor:

Temporary
loans.

- 42.—(1) Subject to the approval of the Lieutenant-Governor in Council, the Commission may from time to time for any of the purposes of the Commission borrow by way of temporary loan from any chartered bank or from any person such sums as the Commission may deem requisite, either by way of bank overdraft or loan or in any other manner whatsoever.

Security for
temporary
loans.

- (2) For the purposes of subsection 1, the Commission may pledge as security, notes, bonds, debentures or other securities of the Commission pending the sale thereof or in lieu of selling the same, or may pledge as security, bonds, debentures or other securities owned by the Commission, or otherwise give such security as the Commission may determine, and any cheques, promissory notes, or other instruments that may be necessary or desirable for the purposes of subsection 1 or this subsection may be executed in such manner as the Commission may determine.

Guarantee
by Province.

- (3) The Lieutenant-Governor in Council may guarantee the repayment of advances made by banks, or any other indebtedness incurred by the Commission.

Rev. Stat.,
c. 62, s. 47,
amended.

10. Section 47 of *The Power Commission Act*, as amended by section 5 of *The Power Commission Amendment Act, 1943* and section 10 of *The Power Commission Amendment Act, 1946*, is further amended by adding thereto the following subsection:

Transfer of
power to
systems.

- (10) The Commission may divert, transmit or transfer electrical power or energy from any or all of the works mentioned in subsection 1 for use in any system or systems as defined in section 65 crediting to the revenue derived from such works such price for the electrical power or energy as the Commission may determine.

11. This Act shall come into force on the day it receives the Royal Assent. Commence-
ment of
Act.

12. This Act may be cited as *The Power Commission Amendment Act, 1949.* Short title.

CHAPTER 74.

An Act to amend The Presqu'ile Park Act.

*Assented to April 1st, 1949.**Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Presqu'ile Park Act* is repealed and the following substituted therefor: Rev. Stat., c. 97, s. 4, re-enacted.

4. With respect to property now or hereafter vested in the Commission or which it may manage or control, it may demand, collect and recover from any person having the occupation or use thereof any money due for rent or otherwise and with the approval of the Department of Municipal Affairs may dispose of any such property by sale, lease or otherwise, provided that the Commission may, without such approval, dispose of by sale, lease or otherwise any interest in property purchased by the Commission at a tax sale. Collection of revenues from and sale of properties.

2. *The Presqu'ile Park Act*, as amended by *The Presqu'ile Park Amendment Act, 1946*, is further amended as follows: Rev. Stat., c. 97, amended.

1. Section 5 is amended by striking out the words "Lieutenant-Governor in Council" in the first and second lines and inserting in lieu thereof the words "Department of Municipal Affairs".

2. Subsection 2 of section 7 is amended by striking out the words "make regulations and" in the first line.

3. Section 8 is amended by striking out the words "make regulations and" in the first line.

4. Section 9 is amended by striking out the words "make regulations and" in the first line.

5. Section 10 is amended by striking out the words "make such other regulations and" in the first and second lines, by striking out the words "Lieutenant-

Governor in Council" in the third and fourth lines and inserting in lieu thereof the words "Department of Municipal Affairs" and by striking out the words "regulations and" in the fourth line.

6. Section 17 is amended by striking out the words "or regulation" in the first line and by striking out the words "Lieutenant-Governor in Council" in the fourth line and inserting in lieu thereof the words "Department of Municipal Affairs".
7. Section 18 is amended by striking out the words "Lieutenant-Governor in Council" in the ninth and tenth lines and inserting in lieu thereof the words "Department of Municipal Affairs".
8. Subsection 1 of section 20 is amended by striking out the words "Lieutenant-Governor in Council" in the seventh line and inserting in lieu thereof the words "Department of Municipal Affairs".
9. Section 21 is amended by striking out the words "Lieutenant-Governor in Council" where they occur in the second and third lines and in the seventh line respectively and inserting in lieu thereof the words "Department of Municipal Affairs" and by striking out the word "he" in the eighth line and inserting in lieu thereof the word "it".

Commence-
ment of Act.

3. This Act shall come into force on the day it receives the Royal Assent.

Short title.

4. This Act may be cited as *The Presqu'île Park Amendment Act, 1949.*

CHAPTER 75.

An Act to amend The Private Sanitaria Act.

*Assented to March 9th, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Private Sanitaria Act* is amended by adding thereto the following section: Rev. Stat.,
c. 394,
amended.

6a.—(1) Any such license may be issued subject to such conditions, qualifications or restrictions as the Lieutenant-Governor in Council may deem advisable. Conditions,
etc., of
license.

(2) Without limiting the generality of subsection 1, any such license may be issued subject to restrictions respecting the class or sex of patients who may be admitted and the type of treatment that may be given to patients. Further
restrictions
on licensees.

2. This Act may be cited as *The Private Sanitaria Amendment Act, 1949.* Short title.

CHAPTER 76.

An Act to amend The Professional Engineers Act.

*Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 6 of *The Professional Engineers Act*, as amended by subsection 1 of section 6 of *The Professional Engineers Amendment Act, 1946*, is further amended by inserting after the word "mechanical" in the amendment of 1946 the words "and industrial", so that the subsection shall read as follows:

Rev. Stat.,
c. 237, s. 6,
subs. 1,
amended.

- (1) For purposes of representation upon the council and for registration, and for such purposes only as are hereinafter set out, membership of the Association shall be subdivided into the following branches: civil, mechanical and industrial, chemical and metallurgical, electrical, mining.

Branches of
membership.

2. Sections 29 and 30 of *The Professional Engineers Act* are repealed and the following substituted therefor:

Rev. Stat.,
c. 237,
ss. 29, 30,
re-enacted.

29.—(1) Where the annual fee of any member is not paid within six months from the date upon which it became due the secretary shall send a written notice of such default by prepaid registered post to the member's last known address as shown on the register and if payment is not made within one month thereafter the registrar, upon the direction of the council, shall cause the name of such member to be erased from the register and thereupon such member shall cease to be a member.

Non-
payment
of fees.

(2) Any member whose fees are paid up who desires to resign from the Association shall send written notice thereof to the secretary, whereupon the registrar shall cause the name of such member to be erased from the register and thereupon such member shall cease to be a member.

Resigna-
tion.

(3) Any member who ceased to be a member under subsection 1 upon payment of the fees owing at the

Re-admis-
sion.

time he ceased to be a member and the fee for the current year, or any member who ceased to be a member under subsection 2 upon payment of the fee for the current year, and in either case upon production of evidence of good character satisfactory to the council, shall be re-admitted as a member.

Appeal.

30. Where the council refuses,—

- (a) to register any applicant for membership;
- (b) to register any applicant for re-admission; or
- (c) to issue a license to practice to any applicant therefor,

the person aggrieved may apply to a judge of the Supreme Court who upon due cause shown may make an order directing the council to register the name of such person as a member or to grant a license to practice, or may make such other order as may be warranted by the facts, and the council shall forthwith comply with such order and such order shall be final.

Commence-
ment of Act.

3. This Act shall come into force on the day it receives the Royal Assent.

Short title

4. This Act may be cited as *The Professional Engineers Amendment Act, 1949.*

CHAPTER 77.

An Act to amend The Provincial Aid to Drainage Act.

Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clauses *a* and *b* of subsection 1 of section 2 of *The Provincial Aid to Drainage Act* are amended by striking out the symbol and figures "\$10,000" where they occur in the fifth line of clause *a* and the fifth line of clause *b* respectively and inserting in lieu thereof the symbol and figures "\$5,000", so that the clauses shall read as follows:

- (a) the trunk channel or channels of any drainage work where the cost of such trunk channel or channels, exclusive of lateral drains or branches, but including a *pro rata* share of all incidental expenses, exceeds the sum of \$5,000;
- (b) any work for the purpose of rendering more effective a drainage work by embanking or pumping or other mechanical means where the cost of such work including the cost of all pumping machinery installed exceeds the sum of \$5,000.

2. *The Provincial Aid to Drainage Act* is amended by adding thereto the following section:

3a.—(1) Where two or more drainage works are so connected as to form in fact one drainage system, the councils of the municipalities initiating such works may apply for aid by a joint petition to the Lieutenant-Governor in Council verified by statutory declarations of the engineers who prepared the reports on such works, and the provisions of section 3 shall *mutatis mutandis* apply.

- (2) If, in the opinion of the Lieutenant-Governor in Council, such works do in fact form one drainage system, he may consider such works as one drainage work for the purpose of computing the cost of the work and making a grant thereon.

Apportion-
ment of
grant.

- (3) In such cases the grant shall be apportioned among the initiating municipalities in the proportion which the cost of the drainage work of each initiating municipality bears to the total of the cost of such drainage works.

Commence-
ment of Act.

3. This Act shall come into force on the day it receives the Royal Assent.

Short title.

4. This Act may be cited as *The Provincial Aid to Drainage Amendment Act, 1949.*

CHAPTER 78.

An Act to amend The Provincial Loans Act.

*Assented to April 1st, 1949.**Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 1 of *The Provincial Loans Act* is repealed.

Rev. Stat.,
c. 22, s. 1,
subs. 2,
repealed.

2. Section 2 of *The Provincial Loans Act* is amended by inserting after the word "thereon" in the third line the words "including regulations for the inscription, registration, transfer, management, exchange and redemption of securities or any class or type thereof" and by striking out the words "in London, England, or elsewhere" in the eighth line, so that the section shall read as follows:

Rev. Stat.,
c. 22, s. 2,
amended.

2. The Lieutenant-Governor in Council may make such regulations as he deems necessary for the management of the public debt and the payment of the interest thereon, including regulations for the inscription, registration, transfer, management, exchange and redemption of securities or any class or type thereof, and may, subject to the provisions of section 3 provide for the creation and management of a sinking fund, or other means of securing the repayment of any loan raised by the authority of the Legislature; and may appoint one or more fiscal agents and agree with them as to the rate of compensation to be allowed them for negotiating loans, and for paying the interest of the debt, and may pay the sums necessary to provide the interest, the sinking fund, or other means aforesaid, and such compensation out of the Consolidated Revenue Fund.

Regulations,
fiscal agents,
etc.

3. Clause *a* of subsection 1 of section 3 of *The Provincial Loans Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 22, s. 3,
subs. 1, cl. *a*,
re-enacted.

(a) by the issue and sale of debentures of Ontario which shall be in such form or forms, shall be for such separate sums, shall bear interest at such rate or

By issue of
debentures.

rates, shall be payable as to principal and interest at such times and places, and shall contain or be subject to such conditions or provisions with respect to the registration and transfer thereof and with respect to the exchange of debentures of one form or denomination for debentures of a different form or denomination of equivalent aggregate principal amount and bearing the same rate of interest, as the Lieutenant-Governor in Council may deem expedient, the principal of such debentures and the interest thereon to be charged on and paid out of the Consolidated Revenue Fund.

Rev. Stat.,
c. 22, s. 6,
amended.

4. Section 6 of *The Provincial Loans Act* is amended by striking out the words "class of the securities aforesaid" in the third line and inserting in lieu thereof the word "security" and by striking out the words "or by issuing one debenture either fully registered or registered as to principal only in exchange for ten or more debentures of an equal aggregate amount" in the third, fourth, fifth and sixth lines, so that the section shall read as follows:

Power to
change form
of debt;
conditions.

6. The Lieutenant-Governor in Council may change the form of any part of the debt of Ontario by substituting one security for another, provided that neither the capital of the debt nor the annual charge for interest is thereby increased, except where a security bearing a lower rate of interest is substituted for one bearing a higher rate of interest, in which case only the amount of the capital may be increased by an amount not exceeding the difference between the then present value of the securities; but such substitution shall not be made unless the consent of the holder of the security for which another is substituted is obtained, or such security is previously purchased or redeemed by or on account of Ontario, and such substitution may be made by the sale of a security of one class and the purchase of that for which it is desired to substitute it.

Commence-
ment of Act.

5. This Act shall come into force on the day it receives the Royal Assent.

Short title.

6. This Act may be cited as *The Provincial Loans Amendment Act, 1949*.

CHAPTER 79.

The Public Commercial Vehicle Act, 1949.

*Assented to April 1st, 1949.**Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) "Board" means Ontario Municipal Board; "Board";
- (b) "compensation" includes any rate, remuneration, reimbursement or reward of any kind paid, payable or promised, or received or demanded, directly or indirectly; "compensation";
- (c) "Department" means Department of Highways; "Department";
- (d) "goods" includes all classes of materials, wares and merchandise, live stock and milk; "goods";
- (e) "highway" means highway as defined in *The Highway Traffic Act*; "highway" Rev. Stat., c. 288.
- (f) "Minister" means Minister of Highways; "Minister";
- (g) "owner" means a person registered under *The Highway Traffic Act* as the owner of a motor vehicle; "owner";
- (h) "operating licence" means public commercial vehicle operating licence issued under this Act; "operating licence";
- (i) "public commercial vehicle" means a commercial motor vehicle or trailer as defined in *The Highway Traffic Act*, operated on a highway by, for, or on behalf of any person for the transportation for compensation of goods and not confined in its operation to any urban zone, but does not include a commercial motor vehicle or trailer used only for the transportation from a farm or forest of goods other than live stock and milk which are the product of such farm or forest; "public commercial vehicle";

"regulations";

(j) "regulations" means regulations made under this Act;

"toll";

(k) "toll" means any fee or rate charged, levied or collected for the transportation of goods or for use of a public commercial vehicle;

"transportation";

(l) "transportation" with respect to goods means the transportation, carriage, shipment, care, handling, storage or delivery thereof;

"urban zone";

(m) "urban zone" means an area consisting of one urban municipality and lands adjacent thereto and within a distance of three miles therefrom;

"vehicle licence".

(n) "vehicle licence" means public commercial vehicle licence issued under this Act. R.S.O. 1937, c. 290, s. 1, *amended*.

Operating licence required.

2.—(1) No person shall conduct upon a highway by means of a public commercial vehicle the business of transportation of goods except under an operating licence. R.S.O. 1937, c. 290, s. 2, *amended*.

Vehicle licence required.

(2) No person shall operate a public commercial vehicle unless such vehicle is licensed as a public commercial vehicle under this Act.

Advertising by unlicensed persons.

(3) No person shall solicit by means of advertising, or otherwise undertake to arrange the transportation of goods by means of a vehicle operated on a highway by, for, or on behalf of any person who receives compensation, either directly or indirectly, for such transportation, unless the person by, for, or on behalf of whom the vehicle is operated is licensed under this Act. *New*.

Agents.

3.—(1) No person other than a duly authorized agent of an owner of a public commercial vehicle shall carry on the business of an agent for the transportation of goods upon the highways.

Agency authority.

(2) A duly authorized agent of an owner of a public commercial vehicle shall be appointed in writing and such appointment shall be signed by the owner and shall at all times be kept posted up and displayed in a conspicuous place on the premises at which such agent conducts the agency business. R.S.O. 1937, c. 290, s. 3.

Approval of Board.

4.—(1) No operating licence shall be issued without the approval of the Board being first obtained as evidenced by the Board's certificate of public necessity and convenience furnished to the Minister, and then only in accordance with the certificate.

(2) The approval of the Board to a renewal of a licence shall not be required unless the Minister refers the application for renewal to the Board. R.S.O. 1937, c. 290, s. 4 (1, 2), *amended*. Renewal of licence.

(3) The Minister may refer any application for the transfer of an operating licence to the Board. Transfer of licence.

(4) The Minister may at any time refer an operating licence to the Board with a recommendation that the terms and conditions of the licence be reviewed. 1947, c. 101, s. 4, *part, amended*. Alteration of licence.

(5) On any application or reference to the Board, the Board shall have and may exercise all powers necessary for the purposes of this Act, and may give such certificate and make such order as it deems just. R.S.O. 1937, c. 290, s. 8; 1947, c. 101, s. 4, *part, amended*. Powers of Board.

5. Operating and vehicle licences shall be issued by the Minister and shall be subject to the regulations and the terms and conditions in the licence. R.S.O. 1937, c. 290, s. 6, *amended*. Issue of licences.

6. An operating licence may confer special or limited rights with respect to the operation of public commercial vehicles and with respect to any highway or highways or portions thereof described in the licence. *New*. Rights limited by licence.

7.—(1) A vehicle licence may fix the tonnage that the vehicle may carry, and no vehicle shall at any time carry more tonnage than is fixed by the licence. Tonnage.

(2) Every public commercial vehicle shall, while operated on a highway, have attached thereto and exposed in a conspicuous position a licence plate issued by the Minister showing in plain figures the number of the vehicle licence issued for the vehicle for the current year. *New*. Licence plate to be plainly exposed.

8. The Minister may at any time cancel or suspend any licence by reason of a breach of this Act or *The Highway Traffic Act* or of the regulations hereunder or thereunder, or for any reason set out in the regulations. *New*. Cancellation and suspension of licences.

9. No operating licence shall be transferred except with the written approval of the Minister. *New*. Transfer of licences.

10. Every person licensed under this Act shall provide or effect and carry such insurance or bond as is prescribed by the regulations. 1945, c. 4, s. 1, *part, amended*. Insurance.

Certificate
of insurance.

11.—(1) Every insurer who has issued a policy of insurance in accordance with section 10 shall issue a certificate thereof which shall be filed with the Minister.

Effect of
certificate.

(2) Such certificate shall be deemed to be a conclusive admission by the insurer that the policy has been issued and is in accordance with the terms of the certificate.

Notice of
cancellation
or expiry of
insurance.

(3) Every insurer shall notify the Minister in writing of the cancellation or expiry of any policy, for which a certificate has been issued, at least thirty days before the effective date of such cancellation or expiry, and in the absence of such notice of cancellation or expiry the policy shall remain in full force and effect. 1945, c. 4, s. 1, *part, amended*.

Cancellation
or expiry
of bond.

12. A bond issued in accordance with section 10 shall not be cancelled or expire except after thirty days written notice to the Minister, but not after the happening of an injury or damage secured by the bond as to such accident, injury or damage, and the bond shall be filed with the Minister. 1945, c. 4, s. 1, *part, amended*.

Offences and
penalties.

13.—(1) Every person who contravenes any of the provisions of this Act or the regulations shall be guilty of an offence and shall incur a penalty of not less than \$20 and not more than \$200. R.S.O. 1937, c. 290, s. 9 (1), *amended*.

Disposition
of penalties.

(2) Every money penalty so imposed shall be paid over to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund. *New*.

Recovery of
penalties.

(3) The penalties provided by subsection 1 shall be recoverable under *The Summary Convictions Act*. R.S.O. 1937, c. 290, s. 9 (3).

Rev. Stat.,
c. 136.

Consent to
prosecutions.

14. No prosecution shall be instituted under this Act without the consent of a member of the Ontario Provincial Police Force or of an officer of the Department designated by the Minister to assist in the enforcement of this Act. R.S.O. 1937, c. 290, s. 9 (2), *amended*.

Regulations.

15. The Lieutenant-Governor in Council may make regulations,—

- (a) governing the issue, renewal, transfer, suspension and cancellation of licences and classes of licences;
- (b) prescribing fees and the basis for computing fees, and respecting payment thereof;

- (c) prescribing terms and conditions to which licences shall be subject;
- (d) fixing the form, amount, nature, class, terms and conditions of insurance or bond that shall be provided and carried by persons licensed under this Act;
- (e) prescribing the terms and conditions of cancellation, expiry, renewal, extension and notice of cancellation respecting such insurance or bonds;
- (f) governing the filing of bonds and certificates of insurance;
- (g) respecting the publication, filing and posting of tariffs of tolls, and the payment of tolls;
- (h) providing for the examination of public commercial vehicles, their contents and equipment by officers of the Department and members of the Ontario Provincial Police Force;
- (i) prescribing, regulating and limiting the hours of labour of drivers of public commercial vehicles;
- (j) prescribing the qualifications of drivers of public commercial vehicles;
- (k) prescribing equipment to be carried by public commercial vehicles and the condition and location in which such equipment shall be kept;
- (l) prescribing the method of book-keeping or accounting to be used and the returns or statements to be filed, and providing for the examination by officers of the Department of all books, records and documents;
- (m) prescribing the method of handling cash on delivery shipments and the collection and remittance of cash on delivery funds;
- (n) prescribing the form of bill of lading to be used;
- (o) providing for the delegation to an officer of the Department of such of the powers and duties of the Minister as may be deemed necessary;
- (p) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1937, c. 290, s. 7; 1945, c. 4, s. 2, *amended*.

Rev. Stat.,
c. 290; 1945,
c. 4; 1947,
c. 101, s. 4,
repealed.

16. *The Commercial Vehicle Act, The Commercial Vehicle Amendment Act, 1945, and section 4 of The Statute Law Amendment Act, 1947* are repealed.

Commence-
ment of Act.

17. This Act shall come into force on the 1st day of September, 1949.

Short title.

18. This Act may be cited as *The Public Commercial Vehicle Act, 1949.*

CHAPTER 80.

An Act to amend The Public Hospitals Act.

Assented to March 9th, 1949.
Session Prorogued April 8th, 1949

HIS MAJESTY, by and with the advice and consent of
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Section 3 of *The Public Hospitals Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 390, s. 3,
amended.

(3a) No building or other premises or place or any part thereof acquired or used for the purposes of a hospital shall be sold, leased, mortgaged or otherwise disposed of without the approval of the Lieutenant-Governor in Council. Sale, etc.,
to be
approved.

2. Subsection 1 of section 24 of *The Public Hospitals Act*, as amended by paragraph 8 of section 5 of *The Hospitals Aid Act, 1948*, is further amended by inserting after the word "is" in the fifth line the word "liable", so that the subsection shall read as follows: Rev. Stat.,
c. 390, s. 24,
subs. 1,
amended.

(1) Where the corporation of a county has not made an agreement under the provisions of section 17, it shall have the right to recover not exceeding one-half of the charges paid by it in respect to treatment in a hospital of any patient for which it is liable from the corporation of the township, town or village forming a part of the county in which such patient was a resident at the time of admission. County's
right to
contribution.

3. This Act may be cited as *The Public Hospitals Amendment Act, 1949*. Short title.

CHAPTER 81.

An Act to amend The Public Lands Act.

*Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Public Lands Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 33, s. 7,
re-enacted.

7.—(1) The Minister shall after the close of each fiscal Annual
report. year file with the Provincial Secretary an annual report upon the affairs of the Department.

(2) The Provincial Secretary shall submit the report to Tabling. the Lieutenant-Governor in Council and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session.

2. *The Public Lands Act* is amended by adding thereto the following section: Rev. Stat.,
c. 33,
amended.

12a. The Lieutenant-Governor in Council may set apart Public lands
set apart
for research. areas of public lands for any purpose which will benefit research in, and the management, utilization and administration of the public lands and forests.

3. Clause *c* of subsection 1 of section 39 of *The Public Lands Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 33, s. 39,
subs. 1,
cl. c, re-
enacted.

(c) has resided upon and cultivated the land for three years after the date of the location or sale.

4.—(1) Subclause ii of clause *b* of subsection 2 of section 52 of *The Public Lands Act*, as re-enacted by section 4 of *The Public Lands Amendment Act, 1946*, is amended by striking out the word "board" in the third line and inserting in lieu thereof the word "log", so that the subclause shall read as follows: Rev. Stat.,
c. 33, s. 52,
subs. 2, cl. b,
subcl. ii
(1946,
c. 79, s. 4),
amended.

(ii) the pine trees exclusive of those planted by the owner do not exceed on an average five hundred feet

log measure per acre and the owner plants at least ten per centum of the land with trees as a private reforestation project satisfactory to the Minister.

Rev. Stat.,
c. 33, s. 52
(1946,
c. 79, s. 4),
amended.

(2) The said section 52, as amended by section 1 of *The Public Lands Amendment Act, 1947 (No. 2)*, is further amended by adding thereto the following subsections:

Order
releasing
lands from
the reserva-
tion of
pine trees.

(3) Where letters patent, issued after the 30th day of April, 1880, for lands disposed of for agricultural purposes reserve pine trees to the Crown, and where the land is under timber license, the Minister upon application of the owner may make an order releasing and discharging the land from the reservation of pine trees where,—

(a) the amount of pine timber is less than 10,000 feet log measure and at least fifteen per centum of the land has been cleared for agricultural purposes and the land is occupied by the owner or tenant; or

(b) the owner has additional land adjoining that upon which he or his tenant resides and at least fifteen per centum of such land has been cleared for agricultural purposes and the amount of pine timber on such land is less than 10,000 feet log measure; or

(c) the amount of pine timber is greater than 10,000 feet log measure and at least fifteen per centum of the land has been cleared for agricultural purposes and the land is occupied by the owner or tenant and upon payment by the owner of \$10 per 1,000 feet log measure for pine trees in excess of 10,000 feet log measure less any allowance in respect of work done to the timber stand by the owner or his predecessors-in-title,

and such order may be registered in the proper registry or land titles office.

Compensa-
tion.

(4) Where an order is made under subsection 3 the licensee shall be compensated by an amount to be determined by the Minister or by being given a license to cut timber elsewhere.

Cutting of
timber,—
subject to
regulations.
Rev. Stat.,
c. 36.

(5) When lands are released and discharged from the reservation of pine trees under subsection 3 the regulations made under *The Crown Timber Act* shall

apply to any cutting of timber on such lands until a by-law is passed by a county or township under *The Trees Conservation Act, 1946* affecting such lands. 1946, c. 102.

5. Section 60 of *The Public Lands Act* is amended by Rev. Stat., c. 33, s. 60, amended. striking out all the words after the word "land" in the ninth line, so that the section shall read as follows:

60. In all sales, free grant locations, leases, licenses of Reservation of water power on public lands. occupation, mining claims and other dispositions of public lands, or mining lands or mining rights the Minister may reserve from sale any water power or privilege, and such area of land in connection therewith as he may deem necessary, for the erection of buildings and plant, and the development and utilization of the power, together with the right to lay out and use such roads as may be necessary for passage to and from such water power or privilege and land.

6. This Act may be cited as *The Public Lands Amendment Act, 1949*. Short title.

CHAPTER 82.

An Act to amend The Public Libraries Act.

Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 12 of *The Public Libraries Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 283, s. 12,
re-enacted.

12. Subject to the regulations and to the approval of the Minister, any library co-operative or any municipality, police village, school section or township school area for which a public library has not been established, or any school board or board of education, may enter into an agreement with a public library board for securing library services. Agreements
for library
services.

2. Subsection 2 of section 22 of *The Public Libraries Act* is amended by striking out the words "master in chambers" in the fourth and fifth lines and inserting in lieu thereof the words "Master of the Supreme Court", so that the subsection shall read as follows: Rev. Stat.,
c. 283, s. 22,
subs. 2,
amended.

(2) On the complaint of any ratepayer of the municipality or police village or school section, or of the remaining member or members of the board, the judge of the county or district court or if he is a member of the board, the Master of the Supreme Court shall on proof of the facts declare the seat vacant, and the secretary of the board shall forthwith notify the appointing body to make a new appointment. Proceedings
to vacate
seat.

*3. Subsection 1 of section 39 of *The Public Libraries Act*, as amended by section 8 of *The School Law Amendment Act, 1944*, is repealed and the following substituted therefor: Rev. Stat.,
c. 283, s. 39,
subs. 1,
re-enacted.

*NOTE.—Subsection 1 of section 39 of *The Public Libraries Act*, as re-enacted by this section, was repealed and re-enacted by section 11 of *The Statute Law Amendment Act, 1949*, which appears as chapter 95 of this volume. See pages 453 and 454.

Annual
rate.

- (1) Where a public library is established for a city, town, village, township, police village, township school area or school section, the council of the city, town, village or township, the council or councils of the township or townships in which the police village, township school area or school section is situate, or the trustees of a school section in unorganized territory, as the case may be, shall in addition to all other rates levy in each year on the rateable property in the city, town, village, township, police village, township school area or school section for which the public library is established, a special rate to be called the "Public Library Rate" sufficient to provide the amount estimated by the board as hereinbefore provided, but such rate shall in any event be sufficient to yield at least an amount equal to fifty cents per capita of population of the municipality, police village, township school area or school section according to the last revised assessment roll.

Rev. Stat.,
c. 283, s. 73,
subs. 2, cl. b,
amended.

4. Clause *b* of subsection 2 of section 73 of *The Public Libraries Act* is amended by striking out the word "where" in the first line, so that the clause shall read as follows:

- (*b*) a board fails to furnish an annual report as required by this Act or by the regulations, for two consecutive years.

Commence-
ment of Act.

5. This Act shall come into force on the day it receives the Royal Assent.

Short title.

6. This Act may be cited as *The Public Libraries Amendment Act, 1949*.

CHAPTER 83.

An Act to amend The Public Officers' Fees Act.

*Assented to March 9th, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 7 of *The Public Officers' Fees Act* is amended by striking out the symbol and figures "\$3,000" in the fifth line and inserting in lieu thereof the symbol and figures "\$4,000", so that the subsection shall read as follows:

Rev. Stat.,
c. 18, s. 7,
subs. 1,
amended.

(1) Every local registrar of the Supreme Court, deputy registrar, county or district court clerk and registrar of the surrogate court, whether holding one or more of the above offices, and every sheriff shall be entitled to retain to his own use in each year his net income up to \$4,000.

Supreme
Court,
county
court and
surrogate
court fees.

(2) Subsection 2 of the said section 7 is repealed and the following substituted therefor:

Rev. Stat.,
c. 18, s. 7,
subs. 2,
re-enacted.

(2) On the net income of each year over \$4,000, he shall pay to the Treasurer of Ontario the following percentages,—

Percentages
payable on
net income.

(a) on the excess over \$4,000 up to \$6,000, 50 per centum;

(b) on the excess over \$6,000, 90 per centum.

2. This Act shall be deemed to have come into force on the 1st day of January, 1949.

Commence-
ment of Act.

3. This Act may be cited as *The Public Officers' Fees Amendment Act, 1949*.

Short title.

CHAPTER 84.

An Act to amend The Public Schools Act.

*Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 14 of section 15 of *The Public Schools Act*, as enacted by section 12 of *The School Law Amendment Act, 1941*, is amended by striking out the words "provided that no such allowance shall be paid in respect of more than eight meetings in any year" in the sixth and seventh lines and inserting in lieu thereof the words "and may pay to each trustee a sum not exceeding \$5 for each of not more than twelve meetings attended by such trustee in any one year", so that the subsection shall read as follows:

- (14) The board of school trustees for a township school area may pay to each trustee a mileage allowance not exceeding seven cents for each mile necessarily travelled by him in going to the meetings of the board from his home and in returning to his home, and may pay to each trustee a sum not exceeding \$5 for each of not more than twelve meetings attended by such trustee in any one year.

2. Subsection 17 of section 19 of *The Public Schools Act* is amended by striking out the words "and whose decision shall be final" in the fourth line and inserting in lieu thereof the words "and an appeal shall also lie to the Ontario Municipal Board from a decision of the county judge or from the report of the equalization commission where no appeal is taken to the county judge", so that the subsection shall read as follows:

- (17) An appeal shall lie on behalf of any municipality from the report of the equalization commission to the judge of the county court of the county, who shall hear and determine such appeal, and an appeal shall also lie to the Ontario Municipal Board from a decision of the county judge or from the report of the equalization commission where no appeal is taken to the county judge.

Rev. Stat.,
c. 357, s. 39,
subs. 1,
amended.

3. Subsection 1 of section 39 of *The Public Schools Act*, as amended by subsection 1 of section 13 of *The School Law Amendment Act, 1941*, is further amended by striking out the words "after they have completed their respective assessments and" in the ninth and tenth lines, so that the subsection shall read as follows:

Assessors to
determine
proportion.

- (1) As often as the assessment of the part of a union section situate in one municipality has increased or decreased to the extent of ten per centum of the amount of its assessment at the date of the last equalization of assessments and has maintained such increased or decreased assessment for the second consecutive year, and, in any case, at the expiration of five years from the last equalization of assessments, the assessors of the municipalities in which a union section is situate shall, before the 1st day of June, meet and determine what proportion of the annual requisition made by the board for school purposes shall be levied upon and collected from the taxable property of the public school supporters of the union section situate in each of the municipalities in which such section lies, provided that upon the recommendation of the assessors, and with the approval of the Minister, an equalization of assessments of a union school section may be made in any year.

Rev. Stat.,
c. 357,
amended.

4. *The Public Schools Act* is amended by adding thereto the following heading and section:

MAINTENANCE OF SCHOOLS IN TOWNSHIP SCHOOL AREAS

Assessors to
determine
proportion.

- 39a.—(1) Where a township school area consists of more than one municipality or parts thereof, the provisions of section 39 shall apply *mutatis mutandis*, except that the meeting of the assessors shall be called by the assessor of the municipality having the largest population within the township school area according to the last revised assessment rolls.

Arbitration
where
assessors
disagree.

- (2) Where the assessors disagree, the inspector of the township school area and the assessors shall be arbitrators to determine the matter.

Rev. Stat.,
c. 357, s. 44,
subs. 4,
amended.

5.—(1) Subsection 4 of section 44 of *The Public Schools Act* is amended by striking out the figure and words "1st day of June" in the second line and inserting in lieu thereof the figures and words "30th day of September", so that the subsection shall read as follows:

- (4) The assessor shall return the assessment roll to the secretary not later than the 30th day of September of the year in which the assessment is made. Return of roll.

(2) Subsection 8a of the said section 44, as enacted by subsection 1 of section 14 of *The School Law Amendment Act, 1941*, is repealed and the following substituted therefor: Rev. Stat., c. 357, s. 41, subs. 8a (1941, c. 52, s. 14, subs. 1), re-enacted.

- (8a) An appeal to the district judge shall lie at the instance of the board, the assessor or any person assessed, not only against a decision of the court of revision on an appeal to the said court but also against any omission, neglect or refusal of the said court to hear or decide an appeal, and an appeal shall lie to the Ontario Municipal Board from a decision of the district judge or of the court of revision where no appeal is taken to the district judge, and the provisions of sections 76 to 87, except section 82, of *The Assessment Act* shall apply *mutatis mutandis* to every such appeal. Appeals. Rev. Stat., c. 272.

6. Subsection 3 of section 47 of *The Public Schools Act* is amended by striking out the figure and words "1st day of June" in the first line and inserting in lieu thereof the figure and words "8th day of April", so that the subsection shall read as follows: Rev. Stat., c. 357, s. 47, subs. 3, amended.

- (3) The collector shall, on or before the 8th day of April in the year following the year in which a school rate becomes due and payable, make a return to the sheriff of the county or district showing each lot or parcel assessed upon which the school rates have not been fully paid, the name of the person assessed as owner or occupant and the amount of school rates chargeable against the lot or parcel and in arrear at the date of such return with the year for which the rates so in arrear were imposed. Return of arrears of taxes in unorganized territory.

7. Clause *bb* of section 89 of *The Public Schools Act*, as enacted by section 11 of *The School Law Amendment Act, 1943*, is amended by striking out the words and figures "subsection 2 of section 3 of" in the first and second lines and by inserting after the word "*Act*" in the second line the figures "*1946*", so that the clause shall read as follows: Rev. Stat., c. 357, s. 89, cl. *bb* (1943, c. 26, s. 11), amended.

- (*bb*) subject to the provisions of *The Teachers' Boards of Reference Act, 1946*, to appoint and remove such teachers, officers and servants as it may deem expedient, and to fix their salaries and prescribe their duties. Appointment and removal of teachers. 1946, c. 97.

Rev. Stat.,
c. 357, s. 96,
subs. 3,
re-enacted.

8. Subsection 3 of section 96 of *The Public Schools Act* is repealed and the following substituted therefor:

Duties.

(3) The treasurer shall,—

- (a) receive all school moneys and account for the same;
- (b) open an account in the name of the board in a chartered bank or in such other place of deposit as may be approved by the board, and deposit to the credit of such account all money received by him on account of the board;
- (c) disburse all moneys as directed by the board;
- (d) produce, when required by the board or by auditors or other competent authority, all papers and money in his possession, power or control belonging to the board.

Rev. Stat.,
c. 357, s. 106,
subs. 1, ~~was~~
re-enacted.

9. Subsection 1 of section 106 of *The Public Schools Act* is repealed and the following substituted therefor:

Memorandum of contract.

- (1) A memorandum of every contract of employment between a board and a teacher shall be made in writing in the form of contract prescribed by the regulations, signed by the parties, sealed with the seal of the board and executed before the teacher enters upon his duties, but if for any reason such memorandum is not so made every contract shall be deemed to include the terms and conditions contained in the prescribed form of contract.

Proviso.

Rev. Stat.,
c. 357, s. 112,
subs. 4,
amended.

10. Subsection 4 of section 112 of *The Public Schools Act* is amended by inserting after the word "townships" in the second line the words "or of a township school area consisting of more than one township or parts thereof" and by adding at the end thereof the words "or 39a, as the case may be", so that the subsection shall read as follows:

Township grants to union school sections and township school areas.

- (4) In the case of a union school section formed of parts of townships or of a township school area consisting of more than one township or parts thereof, the sums mentioned in subsections 1 and 2 shall be paid by the respective township councils in proportions to be fixed in accordance with the provisions of section 39 or 39a, as the case may be.

11. This Act shall come into force on the day it receives the Royal Assent. Commence-
ment of Act.

12. This Act may be cited as *The Public Schools Amend-ment Act, 1949.* Short title.

CHAPTER 85.

An Act to amend The Public Utilities Act.

*Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Public Utilities Act* is amended by adding thereto the following section: Rev. Stat.,
c. 286,
amended.

25b.—(1) Where The Hydro-Electric Power Commission of Ontario changes the periodicity in alternations of current at which it supplies electrical power or energy to a municipal corporation or a commission, the corporation or commission may change the periodicity in alternations of current at which it supplies that electrical power or energy to any person, notwithstanding any agreement heretofore or hereafter made. Change of
frequency.

(2) Nothing done under subsection 1 shall be deemed a breach of contract by the municipal corporation or commission or entitle any person to rescind any agreement or release any guarantor from the performance of his obligation, or render the municipal corporation or commission, its servants or agents liable in any action or other legal proceeding for damages or otherwise. Conversion
not breach
of contract.

2. Section 36 of *The Public Utilities Act* is amended by adding thereto the following subsection: Rev. Stat.,
c. 286, s. 36,
amended.

(5) Where the construction or control and management of a public utility works belonging to a municipal corporation is entrusted to a commission,— Limitations
on powers of
commission.

(a) no part of the works shall be undertaken in or extended into and no supply of the public utility shall be furnished to or in any other municipality by the commission without the consent of the council of the corporation to which the public utility works belong; and

- (b) no extensions, additions, enlargements, improvements or alterations in, of or to the works shall be undertaken by the commission without the consent of the council of the corporation to which the public utility works belong, if the cost or any part of the cost is intended to be provided for out of moneys which under section 31 are required to be paid to the treasurer of the municipality.

Rev. Stat.,
c. 286, s. 37,
amended.

3. Section 37 of *The Public Utilities Act*, as amended by section 2 of *The Public Utilities Amendment Act, 1947*, is further amended by adding thereto the following subsections:

Increasing or
decreasing
number of
commission
members.

- (3a) Where a commission has been in existence for not less than five years, the council of the corporation may by by-law provide that from the time of the municipal elections next ensuing the number of members of the commission,—

(a) if it consists of three members, shall be increased to five members; or

(b) if it consists of five members, shall be decreased to three members,

proviso.

subject, however, to the assent of the electors if the existing number of members was established by a by-law passed with the assent of the electors.

Where the
number is
increased.

- (3b) Where the number of members of a commission is to be increased to five members the elected member then holding office for a term which does not expire until the end of the next succeeding year shall not be affected and he may continue to hold office until the expiration of the term for which he was elected, and at the municipal elections next ensuing after the by-law is passed three members of the commission shall be elected of whom the two elected who receive the highest number of votes shall hold office for a term of two years and until their successors are elected and the third elected shall hold office for a term of one year and until his successor is elected.

Where the
number is
decreased.

- (3c) Where the number of members of a commission is to be decreased to three members, that one of the two members last elected for a term of two years who received the higher number of votes shall continue to hold office until the expiration of the term for which he was elected and the other three members shall hold office until the expiration of the then

current year only; and at the municipal elections next ensuing after the by-law is passed, one member of the commission shall be elected to hold office for a term of two years and until his successor is elected.

- (3d) Where in subsection 3b or 3c it is provided that the term of office of any member be determined in relation to the number of votes he received at his election and such determination is impossible by reason of an acclamation to office or there having been an equality of votes at the election, the matter shall be determined by the casting of lots by the members affected. ^{Acclamation or equality of votes.}
- (3e) At every election after the first municipal election the members or member to be elected as provided in subsection 3b or 3c shall be elected for a term of two years and until their respective successors are elected. ^{Two-year term.}
- (3f) Nothing in subsections 3a, 3b, 3c and 3e shall affect the *ex officio* membership in a commission of the head of the council. ^{Head of council not affected.}
- (3g) Where the number of members of a commission is increased or decreased by a by-law passed under subsection 3a, no further change in the number of members shall be made until the by-law has been in force for not less than five years. ^{Future changes in commission membership.}

4. This Act may be cited as *The Public Utilities Amendment Act, 1949.* ^{Short title.}

CHAPTER 86.

The Public Vehicle Act, 1949.

*Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) "Board" means Ontario Municipal Board; "Board";
- (b) "compensation" includes any rate, remuneration, reimbursement or reward of any kind paid, payable or promised, or received or demanded, directly or indirectly; "compensation";
- (c) "Department" means Department of Highways; "Department";
- (d) "highway" means highway as defined in *The Highway Traffic Act*; "highway";
Rev. Stat.,
c. 288.
- (e) "Minister" means Minister of Highways; "Minister";
- (f) "operating licence" means public vehicle operating licence issued under this Act; "operating licence";
- (g) "public vehicle" means a motor vehicle operated on a highway by, for or on behalf of any person for the transportation for compensation of passengers, or passengers and express freight which might be carried in a passenger vehicle, but does not include the cars of electric or steam railways running only upon rails, taxicabs nor motor vehicles operated solely within the corporate limits of one urban municipality; "public vehicle";
- (h) "regulations" means regulations made under this Act; "regulations";
- (i) "taxicab" means a motor vehicle as defined in *The Highway Traffic Act*, having a seating capacity of "taxicab";

not more than six persons, exclusive of the driver, hired for one specific trip for the transportation exclusively of one person or group of persons, one fare or charge only being collected or made for the trip;

"toll";

(j) "toll" means any fee or rate charged, levied or collected by any person for the carriage of passengers and express freight by a public vehicle;

"vehicle licence".

(k) "vehicle licence" means public vehicle licence issued under this Act. R.S.O. 1937, c. 289, s. 1; 1948, c. 75, s. 1, *amended*.

Operating licence required.

2.—(1) No person shall conduct upon a highway by means of a public vehicle the business of a carrier of passengers or passengers and express freight except under an operating licence. R.S.O. 1937, c. 289, s. 2 (1), *amended*.

Vehicle licence required.

(2) No person shall operate a public vehicle unless such vehicle is licensed as a public vehicle under this Act. *New*.

Advertising by unlicensed persons.

(3) No person shall solicit by means of advertising, or otherwise undertake to arrange the transportation of passengers by means of a vehicle operated on a highway by, for, or on behalf of any person who receives compensation, either directly or indirectly, for such transportation, unless the person by, for, or on behalf of whom the vehicle is operated is licensed under this Act. R.S.O. 1937, c. 289, s. 2 (2).

Approval of Board.

3.—(1) No operating licence shall be issued without the approval of the Board being first obtained as evidenced by the Board's certificate of public necessity and convenience furnished to the Minister, and then only in accordance with the certificate.

Renewal of licence.

(2) The approval of the Board to a renewal of a licence shall not be required unless the Minister refers the application for renewal to the Board. R.S.O. 1937, c. 289, s. 3 (1, 3), *amended*.

Transfer of licence.

(3) The Minister may refer any application for the transfer of an operating licence to the Board.

Alteration of licence.

(4) The Minister may at any time refer an operating licence to the Board with a recommendation that the terms and conditions of the licence be reviewed. *New*.

Powers of Board.

(5) On any application or reference to the Board, the Board shall have and may exercise all powers necessary for the purposes of this Act, and may give such certificate and make

such order as it deems just. R.S.O. 1937, c. 289, s. 3 (2), *amended*.

4. Operating and vehicle licences shall be issued by the Minister and shall be subject to the regulations and the terms and conditions in the licence. R.S.O. 1937, c. 289, s. 2 (4), *amended*. Issue of licences.

5. An operating licence may confer special, exclusive or limited rights with respect to the operation of public vehicles and with respect to any highway or highways or portions thereof described in the licence. R.S.O. 1937, c. 289, s. 2 (5), *amended*. Special rights.

6.—(1) A vehicle licence may fix the number of passengers or tonnage of express freight, or both, that the vehicle may carry, and subject to subsection 1 of section 15 no vehicle shall at any time carry more passengers or more tonnage than is fixed by the licence. R.S.O. 1937, c. 289, s. 2 (6); 1941, c. 55, s. 28 (1), *amended*. Number of passengers and tonnage of freight.

(2) Every public vehicle shall, while operated on a highway, have attached thereto and exposed in a conspicuous position a licence plate issued by the Minister showing in plain figures the number of the vehicle licence issued for the vehicle for the current year. R.S.O. 1937, c. 289, s. 2 (10), *amended*. Licence plate to be plainly exposed.

7.—(1) Subject to subsections 2 and 3, a person holding an operating licence may operate his vehicle in and through any municipality covered by the licence, without holding a licence or complying with the rates or fares prescribed under any by-law of any such municipality. Municipal licence and fares,—when not applicable;

(2) Where such a person takes on passengers or express freight within the limits of an urban municipality and discharges such passengers or express freight within the limits of that municipality, he may be required to obtain a licence under a by-law of that municipality and shall, as to such passengers and express freight, comply with any tariff of fares or rates established by by-law of that municipality. 1948, c. 75, s. 2, *amended*. when applicable.

(3) The council of any such municipality may, with the approval of the Minister, designate by by-law the streets within the municipality over which the person holding the licence may operate his vehicle. R.S.O. 1937, c. 289, s. 4 (2), *amended*. Designation of streets.

8. The council of any city may pass a by-law requiring a person holding an operating licence who operates a public vehicle Payment of annual charge to city.

vehicle over a route partly within and partly without the limits of such city to pay to the city a fee or charge not being in the nature of a licence fee, and such by-law shall not come into effect until approved by the Minister who shall fix the fee to be charged. R.S.O. 1937, c. 289, s. 5, *amended*.

Tolls.

9.—(1) No tolls shall be charged until a tariff thereof has been filed with and approved by the Minister, nor shall any tolls be charged under any tariff or portion thereof not approved by the Minister.

Tariffs
subject to
revision by
Minister.

(2) A tariff of tolls approved by the Minister shall be subject to revision by the Minister at any time, and no tolls shall thereafter be charged except in accordance with such revised tariff. R.S.O. 1937, c. 289, s. 6, *amended*.

Cancellation
and
suspension
of licences.

Rev. Stat.,
c. 288.

10. The Minister may at any time cancel or suspend any licence by reason of a breach of this Act or *The Highway Traffic Act* or of the regulations hereunder or thereunder, or for any reason set out in the regulations. R.S.O. 1937, c. 289, s. 7, *amended*.

Transfer of
licences.

11. No operating licence shall be transferred except with the written approval of the Minister. R.S.O. 1937, c. 289, s. 8, *amended*.

Prohibition
as to
drinking.

12. No driver or operator of a public vehicle carrying passengers shall drink any intoxicating liquor during the time he is on duty, or at any time use intoxicating liquor to excess. R.S.O. 1937, c. 289, s. 17.

Smoking.

13. No driver or operator of a public vehicle carrying passengers shall smoke any cigar, cigarette, tobacco or other substance while driving the vehicle. R.S.O. 1937, c. 289, s. 18, *amended*.

Right of
person to be
transported.

14. Subject to the conditions of the operating licence, no driver or operator of any public vehicle shall refuse to carry any person offering himself or herself at any regular stopping place for carriage and who tenders the regular fare to any regular stopping place on the route of the vehicle or between the termini thereof, unless at the time of such offer the seats of the vehicle are fully occupied, but the driver or operator of a public vehicle may refuse transportation to any person who is in an intoxicated condition or conducting himself in a boisterous or disorderly manner or is using profane or obscene language. R.S.O. 1937, c. 289, s. 20, *amended*.

Passengers
not to be
allowed on
running
board, etc.

15.—(1) No driver or operator shall allow passengers to ride on the running boards, fenders or any part of a public

vehicle other than the seats thereof, except that a vehicle may carry as standing passengers in the aisles thereof not more than one-third the number of persons for which seats are provided.

(2) No driver or operator of a public vehicle shall permit or allow on the front seat of the vehicle more passengers than the seat is designed to carry, exclusive of the driver, or permit or allow any passenger to occupy any other portion of the vehicle forward of the back of the driver's seat. Restrictions as to seating.

(3) No passenger shall be allowed to sit on the front seat to the left of the driver of a left-hand drive motor vehicle, or to the right of the driver of a right-hand drive motor vehicle. R.S.O. 1937, c. 289, s. 21 (1-3), *amended*. Beside driver.

16. Except when specially authorized by the Minister, no person shall operate a public vehicle with any trailer or other vehicle attached thereto, but where a vehicle becomes disabled on a trip and is unable to proceed on its own power, the vehicle may be towed to the nearest point where repair facilities are available. R.S.O. 1937, c. 289, s. 22, *amended*. Trailers prohibited. Exception.

17. A public vehicle shall not carry or transport any luggage, baggage, package, trunk, crate or other load which extends beyond the running board of such vehicle. R.S.O. 1937, c. 289, s. 23. Luggage.

18. Every public vehicle shall have at least two doors or exits, one of which, to be used only in an emergency, shall be at the rear of the vehicle or near the rear on the left side of the vehicle. R.S.O. 1937, c. 289, s. 24, *amended*. Exits.

19. Every person licensed under this Act shall provide or effect and carry such insurance or bond as is prescribed by the regulations. R.S.O. 1937, c. 289, s. 25 (1), *amended*. Insurance.

20.—(1) Every insurer who has issued a policy of insurance in accordance with section 19 shall issue a certificate thereof which shall be filed with the Minister. Certificate of insurance.

(2) Such certificate shall be deemed to be a conclusive admission by the insurer that the policy has been issued and is in accordance with the terms of the certificate. Effect of certificate.

(3) Every insurer shall notify the Minister in writing of the cancellation or expiry of any policy, for which a certificate has been issued, at least thirty days before the effective date of such cancellation or expiry, and in the absence of such notice of cancellation or expiry the policy shall remain in full force and effect. 1945, c. 20, s. 1, *part*. Notice of cancellation or expiry of insurance.

Cancellation
or expiry
of bond.

21. A bond issued in accordance with section 19 shall not be cancelled or expire except after thirty days written notice to the Minister, but not after the happening of an injury or damage secured by the bond as to such accident, injury or damage, and the bond shall be filed with the Minister. 1945, c. 20, s. 1, *part*.

Offences and
penalties.

22.—(1) Every person who contravenes any of the provisions of this Act or the regulations shall be guilty of an offence and shall incur a penalty of not less than \$20 and not more than \$200.

Disposition
of penalties.

(2) Every money penalty so imposed shall be paid over to the Treasurer of Ontario and shall form part of the Consolidated Revenue Fund. R.S.O. 1937, c. 289, s. 27, *amended*.

Recovery of
penalties.

Rev. Stat.,
c. 136.

(3) The penalties provided by subsection 1 shall be recoverable under *The Summary Convictions Act*. R.S.O. 1937, c. 289, s. 28.

Consent to
prosecutions.

23. No prosecution shall be instituted under this Act without the consent of a member of the Ontario Provincial Police Force or of an officer of the Department designated by the Minister to assist in the enforcement of this Act. 1941, c. 55, s. 28 (2), *amended*.

Regulations.

24. The Lieutenant-Governor in Council may make regulations,—

- (a) governing the issue, renewal, transfer, suspension and cancellation of licences;
- (b) prescribing fees and the basis for computing fees, and respecting payment thereof;
- (c) prescribing terms and conditions to which licences shall be subject;
- (d) fixing the form, amount, nature, class, terms and conditions of insurance or bond that shall be provided and carried by persons licensed under this Act;
- (e) prescribing the terms and conditions of cancellation, expiry, renewal, extension and notice of cancellation respecting such insurance or bonds;
- (f) governing the filing of bonds and certificates of insurance;
- (g) respecting the publication, filing and posting of tariffs of tolls, and the payment of tolls;

- (h) providing for the examination of public vehicles, their contents and equipment by officers of the Department and members of the Ontario Provincial Police Force;
- (i) prescribing, regulating and limiting the hours of labour of drivers of public vehicles;
- (j) prescribing the qualifications of drivers of public vehicles;
- (k) prescribing the condition in which public vehicles shall be kept, and prescribing the equipment to be carried by public vehicles and the condition and location in which such equipment shall be kept;
- (l) defining chartered trips, special trips and school buses and prescribing special terms and conditions with respect to such trips and buses;
- (m) providing for the delegation to an officer of the Department of such of the powers and duties of the Minister as may be deemed necessary;
- (n) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1945, c. 20, s. 1, *part*, amended.

25. *The Public Vehicle Act*, section 28 of *The Statute Law Rev. Stat., Amendment Act, 1941*, sections 34 and 35 of *The Statute c. 289; 1941, Law Amendment Act, 1943*, *The Public Vehicle Amendment c. 55, s. 28; 1943, c. 28, Act, 1945* and *The Public Vehicle Amendment Act, 1948* are ss. 34, 35; 1945, c. 20; 1948, c. 75; repealed.

26. This Act shall come into force on the 1st day of September, 1949. Commence-
ment of Act.

27. This Act may be cited as *The Public Vehicle Act, 1949*. Short title.

CHAPTER 87.

An Act to amend The Real Estate and Business
Brokers Act, 1946.*Assented to April 8th, 1949.**Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 44 of *The Real Estate and Business Brokers Act*, ^{1946,}
1946 is amended by striking out the word "salesman" in the ^{c. 85, s. 44,}
second line and inserting in lieu thereof the word "person"
and by adding at the end thereof the words "or person", so
that the section shall read as follows:

44. No broker shall employ, permit or engage the sales- ^{Employment}
man of another broker or an unregistered person to ^{of unregis-}
trade in real estate nor shall a broker pay commission ^{tered}
or other remuneration to any such salesman or ^{person or}
person. ^{salesman of}
^{other}
^{broker.}

2. Section 48 of *The Real Estate and Business Brokers* ^{1946,}
Act, 1946, as re-enacted by section 8 of *The Real Estate and* ^{c. 85, s. 48}
Business Brokers Amendment Act, 1947, is amended by adding ^{(1947,}
thereto the following subsection: ^{c. 93, s. 8),}
^{amended.}

(1a) Where the broker delivers to the person acquiring ^{Waiver.}
the business a statement under oath of the person
disposing of the business setting forth,—

- (a) the terms and conditions under which the person disposing of the business holds possession of the premises in which the business is being carried on;
- (b) the terms and conditions under which the person disposing of the business has sublet any part of the premises in which the business is being carried on;
- (c) all liabilities of the business; and
- (d) that the person disposing of the business has made available such books of account of the

business as he possesses for inspection by the person acquiring the business, or that the person disposing of the business has no books of account of the business, as the case may be,

the person acquiring the business may waive compliance with clauses *a* and *b* of subsection 1 by signing and delivering to the broker a statement that he has received and read the statement under oath of the person disposing of the business.

1946,
c. 85, s. 56,
cl. *a*,
amended.

3. Clause *a* of section 56 of *The Real Estate and Business Brokers Act, 1946* is amended by inserting after the word "from" in the third line the words "all or any of", so that the clause shall read as follows:

(*a*) prescribing any class of trades in real estate or of real estate brokers or salesmen which shall be exempt from all or any of the provisions of this Act.

Short title.

4. This Act may be cited as *The Real Estate and Business Brokers Amendment Act, 1949*.

CHAPTER 88.

An Act to amend The Registry Act.

*Assented to April 1st, 1949.**Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 105 of *The Registry Act* Rev. Stat., c. 170, s. 105, subs. 1, amended. is amended by striking out the symbol and figures “\$3,000” in the second line and inserting in lieu thereof the symbol and figures “\$3,500”, so that the subsection shall read as follows:

(1) Every registrar shall be entitled to retain to his own use in each year his net income up to \$3,500. Registrars' emoluments.

(2) Subsection 2 of the said section 105 is amended by striking out the symbol and figures “\$3,000” in the third line Rev. Stat., c. 170, s. 105, subs. 2, amended. and in the first line of clause *a* respectively and inserting in lieu thereof the symbol and figures “\$3,500”, so that the subsection shall read as follows:

(2) Subject to the provisions of section 109 of this Act and of section 152 of *The Land Titles Act*, every registrar shall, of the net income of each year over \$3,500, pay to the treasurer of the county, or city, Where net income exceeds \$3,500. Rev. Stat., c. 174. for which or for part of which he is registrar, the following percentages:

(a) On the excess over \$3,500 up to \$6,000, fifty per centum;

(b) On the excess over \$6,000, ninety per centum.

2. This Act shall be deemed to have come into force on the 1st day of January, 1949. Commencement of Act.

3. This Act may be cited as *The Registry Amendment Act*, Short title. 1949.

CHAPTER 89.

An Act to provide for the Consolidation of the Regulations filed under The Regulations Act, 1944.

*Assented to April 1st, 1949.**Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Robert Wherry, one of His Majesty's Counsel, and Donald Worthington Rose, a member of the Bar of Ontario, Registrar of Regulations and Assistant Registrar of Regulations respectively, or such other person or persons as the Lieutenant-Governor in Council may designate, are hereby appointed commissioners to consolidate and revise in accordance with this Act to the end of the year 1950 the regulations filed under *The Regulations Act, 1944*. Commissioners. 1944, c. 52.

2. The commissioners may alter the numbering and arrangement of the regulations and of any part thereof, and may make such alterations in their language as are requisite to preserve a uniform mode of expression, and may make such minor amendments as are necessary to bring out more clearly what is deemed to be the intention of the authority making or approving the regulations or to reconcile seemingly inconsistent regulations, or to correct clerical, grammatical or typographical errors. Powers of Commissioners.

3. As soon as the commissioners report the completion of the consolidation and revision the Lieutenant-Governor may cause a printed Roll thereof, attested by his signature and countersigned by the Provincial Secretary, to be deposited in the office of the Clerk of the Executive Council. Printed Roll to be deposited with Clerk of Executive Council.

4.—(1) There may be appended to the Roll,— Schedules.

(a) a schedule marked "Schedule A" showing the regulations filed under *The Regulations Act, 1944*, contained in the Consolidated Regulations of Ontario, 1950; and 1944, c. 52.

(b) a schedule marked "Schedule B" showing the regulations and parts of regulations that are revoked,

superseded and consolidated in the Consolidated Regulations of Ontario, 1950.

Effect of
insertion
of a regula-
tion in
schedules.

(2) The insertion of any regulation in the schedules or either of them shall not be construed as a declaration that the regulations or any part thereof was or was not in force immediately before the coming into force of the Consolidated Regulations of Ontario, 1950.

Proclama-
tion.

5.—(1) After the deposit of the Roll it shall come into force and have effect by the designation "Consolidated Regulations of Ontario, 1950", on a day to be named by the Lieutenant-Governor by his Proclamation.

Effect.

(2) On and after the day named in subsection 1 the several regulations in Schedule A of the Roll shall be revoked.

Reference to
revoked
regulations
in instru-
ments or
documents.

6. Any reference in any instrument or document to any regulations revoked and consolidated shall, after the Consolidated Regulations of Ontario, 1950, come into force, be held, as regards any subsequent transaction, matter or thing, to be a reference to the regulations in the Consolidated Regulations having the same effect as such revoked and consolidated regulations.

Copies
printed by
King's
Printer to
be evidence.

7. Copies of the Consolidated Regulations of Ontario, 1950, as printed by the King's Printer shall be received as evidence of the Consolidated Regulations in all courts and places whatsoever.

As to dis-
tribution of
copies.

8. The Consolidated Regulations of Ontario, 1950, shall be distributed in such numbers and to such persons and in such manner as the Lieutenant-Governor in Council may order.

This Act to
be printed
with Con-
solidated
Regulations.

9. This Act shall be printed with the Consolidated Regulations of Ontario, 1950, and shall be subject to the same rules of construction as the Revised Statutes of Ontario, 1950.

How regu-
lations may
be cited.

10. Any regulations of the Consolidated Regulations of Ontario, 1950, may be cited and referred to in any Act, regulation or proceeding, by the expression "Consolidated Regulations of Ontario, 1950, Regulations ", adding the number of the particular regulations in the copies printed by the King's Printer.

Amending,
altering or
revoking
regulations
after con-
solidation.

11. The Consolidated Regulations of Ontario, 1950, may be amended, altered or revoked from time to time and others made by the authority under the Act under which the regulations were made before the consolidation and revision, or otherwise according to law.

Short title.

12. This Act may be cited as *The Regulations Consolidation Act, 1949*.

CHAPTER 90.

An Act to amend The Sanatoria for Consumptives Act, 1947.

*Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *k* of section 1 of *The Sanatoria for Consumptives Act, 1947* is amended by adding at the end thereof the words ^{1947, c. 97, s. 1, cl. *k*, amended.} "or out of the fund established under *The Hospitals Aid Act, 1948*", so that the clause shall read as follows:

(*k*) "provincial aid" shall mean aid granted to a sanatorium out of moneys appropriated for the purpose ^{"provincial aid".} by the Legislature or out of the fund established under *The Hospitals Aid Act, 1948*.

2. Section 44 of *The Sanatoria for Consumptives Act, 1947* is repealed and the following substituted therefor: ^{1947, c. 97, s. 44, re-enacted.}

44. The Minister may pay out of any moneys appropriated by the Legislature for the purpose or out of ^{Provincial aid.} the fund established under *The Hospitals Aid Act, 1948*,—
1948, c. 40.

(*a*) provincial aid to any sanatorium; and

(*b*) for the treatment outside a sanatorium of any person suffering from tuberculosis and for the post-sanatorium care of any former patient,

in such amounts, in such manner and at such times as may be prescribed by the regulations.

3. This Act shall come into force on the day it receives the ^{Commence-} Royal Assent. ^{ment of Act.}

4. This Act may be cited as *The Sanatoria for Consumptives* ^{Short title.} *Amendment Act, 1949*.



CHAPTER 91.

An Act respecting the Sandwich, Windsor and
Amherstburg Railway.

*Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) “guaranteed bonds” means bonds and debentures heretofore issued by The Hydro-Electric Power Commission of Ontario as principal or agent with respect to the railway under the principal Act, payment of which is guaranteed by Ontario; “guaranteed bonds”;
- (b) “Ontario” means Province of Ontario; “Ontario”;
- (c) “principal Act” includes every general and special Act, or any part, schedules or provisions thereof, in force on the day this Act receives the Royal Assent that pertains in any way to the railway or railway company or in relation to the railway or railway company pertains in any way to Ontario, Windsor or the seceding municipalities or any of them; “principal Act”;
- (d) “railway” means the Sandwich, Windsor and Amherstburg Railway and includes the whole undertaking, properties and assets of the railway company; “railway”;
- (e) “railway company” means the Sandwich, Windsor and Amherstburg Railway Company and includes its successors and assigns; “railway company”;
- (f) “seceding municipalities” means the Towns of Amherstburg, La Salle, Ojibway, Riverside and Tecumseh and the Townships of Sandwich East and Sandwich West; and “seceding municipalities”;
- (g) “Windsor” means the City of Windsor. “Windsor”.

Application
of principal
Act.

2.—(1) Subject to this Act the principal Act shall continue to apply to the railway and to the railway company and to all matters and things pertaining thereto, but where there is conflict between the principal Act and this Act, this Act shall prevail.

Guaranteed
bonds not
affected.

(2) Nothing in this Act shall affect or impair the guarantee of payment by Ontario of the guaranteed bonds.

Establish-
ment of
capital
debt of
railway.

3.—(1) The outstanding capital debt, matured and unmatured, of and owing with respect to the railway, howsoever incurred and by and to whomsoever the same is owing, is for all purposes and as to all persons, natural and corporate, fixed and established as of the 30th day of June, 1948, at the following total amounts:

(a) guaranteed bonds, unmatured and in the hands of the public, as follows:

due April 1st, 1960.....	\$2,100,000.00
due July 1st, 1961.....	900,000.00

(b) guaranteed bonds, matured and paid by Ontario under its guarantee and held by it with legal right of recourse, and interest and charges paid or payable prior to July 1st, 1948, by Ontario upon and in respect of the guaranteed bonds matured and unmatured, with the same right of recourse, as set out below:

Paid.....	\$3,524,963.99
Payable—Unpresented	
Coupons.....	3,300.00
	<hr/>
	\$3,528,263.99

<i>Less</i> —Amount due on April 1st, 1948, but paid by the railway company on July 29th, 1948.....	47,227.50	3,481,036.49
	<hr/>	<hr/>
		\$6,481,036.49
		<hr/> <hr/>

Distribution
of liability
for capital
debt.

(2) The capital debt so fixed and established shall be assumed, borne, paid and discharged as follows:

1. The portion referred to in item *a* of subsection 1,

- (a) by the railway company as its principal obligation bonds due on April 1st, 1960, together with interest coupons payable subsequent to June 30th, 1948 \$2,100,000.00

by the railway company as its obligation interest coupons, in respect to the \$900,000 due on July 1st, 1961, payable subsequent to June 30th, 1948;

- (b) by Ontario, as its obligation principal of bonds due July 1st, 1961..... 900,000.00

2. The portion referred to in item *b* of subsection 1,

- (a) by the railway company as its obligation..... 1,500,000.00

- (b) by Windsor as its obligation... 1,500,000.00

- (c) the balance owing to Ontario to be and be deemed to be written off and cancelled as of June 30th, 1948, without right of recovery..... 481,036.49

\$6,481,036.49

(3) That part of the capital debt which by subsection 2 is made the obligation of the railway company shall be borne, provided for, secured and paid by the means and in the manner following:

- (a) by an issue of twenty-year sinking fund bonds of the railway company to be dated the 1st day of April, 1960, to be payable on the 1st day of April, 1980, bearing interest at the rate of three per centum per annum, payable half-yearly, to be purchased by Ontario at par and the proceeds used to retire an equal amount of outstanding guaranteed bonds due April 1st, 1960, in the sum of..... \$2,100,000.00

- (b) by an issue of thirty-year serial bonds of the railway company, dated the 30th day of June, 1948, and payable in equal yearly sums of \$50,000 on the

30th day of June in each of the years
1949 to 1978, both inclusive, bearing
interest at the rate of two per centum
per annum, payable yearly, in the
sum of \$1,500,000.00

(c) by paying, as hereinafter provided,
the interest on the outstanding guar-
anteed bonds of \$3,000,000.

Windsor's
share of
capital
debt.

(4) That part of the capital debt which by subsection 2 is
made the obligation of Windsor shall be borne, provided for,
secured and paid by the means and in the manner following:

(a) by an issue of thirty-year serial de-
bentures of Windsor, dated the 30th
day of June, 1948, payable in equal
yearly sums of \$50,000 on the 30th
day of June in each of the years 1949
to 1978, both inclusive, bearing in-
terest at the rate of two per centum
per annum, payable yearly, in the
sum of \$1,500,000.00

Ontario's
share of
capital
debt.

(5) That part of the capital debt which by subsection 2 is
made the obligation of Ontario which consists of the out-
standing guaranteed bonds for \$900,000 maturing and be-
coming payable on the 1st day of July, 1961, shall be borne
and paid by Ontario under the guarantee of payment thereof
without right of recourse, recovery or reimbursement by
reason of such payment and shall be and be deemed to be
written off and cancelled by Ontario as of the date or dates
of redemption.

Form, etc.,
of bonds and
debentures.

4.—(1) The bonds and debentures to be issued by the
railway company and Windsor respectively, shall be in such
form or forms, in such denominations, payable as to principal
and interest in lawful money of Canada at such place or
places and shall be executed and signed by such officers in
such manner, including engraving, lithographing or other
mechanical reproduction, as the Treasurer of Ontario may
approve.

By-laws to
be passed.

(2) The railway company and Windsor, respectively, shall
have power to pass and shall pass all by-laws necessary to
authorize the issue of the said bonds and debentures in such
form or forms as the Treasurer of Ontario may approve.

Windsor
by-law to
be approved
by Muni-
cipal Board.
Rev. Stat.,
c. 60.

(3) The by-law to be passed by Windsor shall also be sub-
ject to approval by the Ontario Municipal Board in accor-
dance with *The Ontario Municipal Board Act* and when the
by-law is approved and validated by that Board the Windsor

debentures issued thereunder shall be certified by the Board in accordance with the said Act.

(4) It shall not be necessary for its validity that the said ^{Electors' assent not necessary.} by-law of Windsor be submitted to or receive the assent of the electors.

(5) The bonds and debentures of the railway company and ^{Delivery of bonds and debentures to Ontario.} Windsor, respectively, when issued and ready for delivery in accordance with this Act shall forthwith be delivered to the Treasurer of Ontario as the absolute property of Ontario or of its assigns in the case of sale thereof or of any portion thereof by Ontario.

5.—(1) The railway company shall have power to establish ^{Sinking fund.} and shall establish a sinking fund with the Treasurer of Ontario to provide for the retirement of the \$2,100,000 twenty-year sinking fund bonds mentioned in item *a* of subsection 3 of section 3 by paying to the Treasurer of Ontario the sum of \$15,750 on the 1st day of October, 1960, and the 1st days of April and October, 1961; the sum of \$42,750 on the 1st days of April and October in the years 1962 to 1978 inclusive; and the sum of \$25,848.50 on the 1st days of April and October, 1979.

(2) The Treasurer of Ontario may accept the sums so paid ^{Special account.} and may establish a special account for the purposes of the sinking fund and credit interest on the sums so paid at the rate of three per centum per annum compounded half-yearly.

(3) On the 1st day of April, 1980, the Treasurer of Ontario ^{Payment out.} may pay out of the Consolidated Revenue Fund the amount at the credit of such special account to the holder of such sinking fund bonds or to his agent or into a bank or as the Treasurer of Ontario may direct.

6. The railway company as of and from the 30th day of June, 1948, shall provide for the payment of the interest due ^{Railway company to provide the interest on all guaranteed bonds.} in each year upon the outstanding, unmatured guaranteed bonds amounting to \$3,000,000 according to the terms thereof, by depositing with the Treasurer of Ontario prior to each interest maturity date the aggregate amount of interest falling due thereon and the Treasurer of Ontario shall pay such interest to the holders of such bonds entitled thereto.

7.—(1) All bonds of the railway company to be issued ^{Railway company bonds and guaranteed bonds to be a charge upon the railway.} under this Act together with the outstanding and unmatured guaranteed bonds of \$3,000,000 shall be equally charged upon and secured by the railway as a first mortgage or charge thereon.

Exception.

(2) Subsection 1 shall, however, operate so that the bonds of the railway company for \$2,100,000 to be issued under this Act shall not become a charge upon and be secured by the railway prior to the 1st day of April, 1960.

New trust indenture.

(3) For the benefit and security of the holders of the bonds of the railway company to be issued under this Act and the holders of the outstanding and unmatured guaranteed bonds, the railway company shall execute, deliver and enter into a trust indenture with the trustee referred to in subsection 3 of section 8 in such form and containing such provisions and powers and such mortgage or charge upon the railway as the Treasurer of Ontario may approve or require.

Withdrawal of seceding municipalities from the railway.

8.—(1) Notwithstanding the principal Act and any agreement entered into thereunder or ratified and confirmed thereby, the seceding municipalities and each of them as of the 30th day of June, 1948, shall be deemed for all purposes and fully and effectually to have seceded and withdrawn from and to have surrendered and ceased to have any partnership, association, ownership or other rights, interests or shares of a contractual or statutory nature or origin in and to the railway and in the railway company.

Liability of seceding municipalities to cease.

(2) Notwithstanding the principal Act and any agreement or mortgage deed of trust entered into thereunder or ratified and confirmed thereby, the seceding municipalities and each of them as of the 30th day of June, 1948, shall be deemed for all purposes and fully and effectually to have been freed, released and discharged of and from all manner and kinds of debts, liabilities and obligations, howsoever created, of and with respect to the railway and railway company and of and from all duties and responsibilities in respect thereto and, also, of and from all debts, liabilities and obligations, direct, collateral or contingent, created by themselves or any of them with respect to the railway or railway company or the partnership, association, ownership or other rights, interests and shares which they or any of them have had in or in connection with the railway or railway company.

Liability under collateral debentures of seceding municipalities terminated.

(3) Without in any way limiting the generality of subsection 2 it is expressly provided and declared that all liability of the seceding municipalities and of each of them upon and in respect of their collateral debentures listed hereunder and now outstanding and held by the trustee under the mortgage deed of trust of the 31st day of July, 1931, ratified and confirmed by the principal Act and certificates of indebtedness held by the Treasurer of Ontario and listed hereunder, shall as of the 30th day of June, 1948, be deemed for all purposes and fully and effectually to have ceased and been terminated and cancelled:

List of Collateral Debentures

Town of Amherstburg	\$232,535.00
Town of La Salle	105,326.00
Town of Ojibway	73,907.00
Town of Riverside	199,594.00
Town of Tecumseh	98,982.20
Township of Sandwich West	315,980.00
Township of Sandwich East	62,813.00
<hr/>	
Total	\$1,089,137.20
<hr/>	

List of Certificates of Indebtedness

Town of La Salle	\$8,036.86
Town of Riverside	15,229.78
Township of Sandwich East	4,792.97
Township of Sandwich West	24,110.73
<hr/>	
\$52,170.34	
<hr/>	

(4) Forthwith after this section comes into force the trustee under the mortgage deed of trust mentioned in sub-section 3 shall surrender and deliver to the Treasurer of Ontario all of the collateral debentures listed in subsection 3 for the purpose of cancellation, and when the debentures are received by him the Treasurer of Ontario shall cause such debentures and the certificates of indebtedness listed in subsection 3 to be cancelled and returned as cancelled to the seceding municipalities, each receiving its own debentures and certificates of indebtedness only, and each seceding municipality shall cause the debentures and certificates of indebtedness when received to be destroyed according to law.

Surrender
of collateral
debentures
for cancel-
lation.

(5) The trustee under the mortgage deed of trust mentioned in subsection 3 shall have all necessary authority and power to comply with this Act, notwithstanding any provision of such trust instrument and upon compliance by the trustee with its obligations under subsection 4 and section 12 such trust instrument shall be and shall be deemed for all purposes and fully and effectually to have been abrogated and cancelled and the trustee freed, relieved and discharged of and from all the duties and responsibilities of its office and of and from all claims, demands, liabilities and obligations with respect to its office arising out of such trust instrument.

Mortgage
deed of
trust cancelled and
trustee relieved of
duty and
liability.

Final settlement and payment of accounts between seceding municipalities and railway company.

9.—(1) The amounts set forth hereunder and respectively shown opposite to the name of each of the seceding municipalities are and each of them is fixed and established as the amounts to be paid by the railway company to the seceding municipalities in final settlement and complete discharge of all accounts between the seceding municipalities, or any of them, and the railway company in any way arising with respect to the railway and forthwith after this section comes into force the railway company shall pay the amounts so fixed and established as shown hereunder, namely:

Municipality	Amount due to Municipality
Town of Amherstburg.....	Nil
Town of La Salle.....	\$16,561.17
Town of Ojibway.....	Nil
Town of Riverside.....	30,317.90
Town of Tecumseh.....	30,514.52
Township of Sandwich East....	\$3,042.30
Less—Township Debentures.	4,073.61
	Nil
Township of Sandwich West...	\$22,791.71
Less—Township Debentures.	18,167.78
	4,623.93
	<hr/>
	\$82,017.52

and the net debit balance of \$1,031.31 owing by the Township of Sandwich East to the railway company shall be written off by the railway company and shall not be payable by the Township.

Cancellation of township debentures held by railway company.

(2) The debentures of the Township of Sandwich East and the Township of Sandwich West referred to in subsection 1 that are held by the railway company shall be cancelled by it and returned to the townships, each receiving its own debentures, and when so received each of the townships shall cause the cancelled debentures to be destroyed according to law.

Railway franchise to continue in seceding municipalities.

10.—(1) Notwithstanding anything in this Act, all the powers, authority, rights and privileges of the railway company granted by or under the principal Act to construct, carry on and operate the railway in, out of and through the seceding municipalities or any of them or any part or parts thereof, shall continue to subsist and may be exercised, used and enjoyed to the same extent, in the same manner and

with the like franchise rights, privileges and protection granted by or under the principal Act, subject only to the jurisdiction of the Ontario Municipal Board as provided herein and in the principal Act.

(2) The Ontario Municipal Board shall have jurisdiction and authority to hear and determine all disputes and other matters in relation to the construction and operation of the railway in and through the seceding municipalities or any of them or any part or parts thereof and the furnishing and discontinuance of railway service therein upon the application of any of the seceding municipalities or the railway company and the Board may dispose of any dispute or other matter upon such terms and conditions as may appear to be equitable and just.

Municipal Board to settle disputes as to railway operation and service.

11. Assessment and taxation of the railway and the railway company in and by any municipalities including any of the seceding municipalities shall continue to be in accordance with the principal Act.

Assessment and taxation.

12.—(1) Forthwith after this section comes into force, the trustee under the mortgage deed of trust mentioned in subsection 3 of section 8 shall surrender and deliver to the Treasurer of Ontario all debentures of Windsor held by it under such trust instrument.

Surrender of Windsor's debentures by trustee.

(2) When Windsor issues the debentures for \$1,500,000 mentioned in section 3 and has delivered them to the Treasurer of Ontario in compliance with sections 3 and 4, all liability of Windsor upon and in respect of its outstanding collateral debt for the railway amounting as of the 30th day of June, 1948, to \$4,044,475.87, represented by Windsor debentures for that amount held in part by the Treasurer of Ontario and in part by the said trustee, shall cease and as of the date mentioned shall be deemed for all purposes and fully and effectually to have been terminated and cancelled.

Cancellation of Windsor's collateral debt.

(3) The Treasurer of Ontario upon receipt by him of the said debentures from the said trustee, shall thereupon cancel Windsor debentures then held by him in the total amount of \$4,045,000 and return the cancelled debentures to Windsor which shall cause the same to be destroyed according to law, and Windsor shall at the same time pay to the Treasurer of Ontario the sum of \$524.13, being the difference between \$4,045,000 and \$4,044,475.87 to bring the account into balance.

Return of cancelled debentures to Windsor.

13.—(1) This Act, other than sections 8, 9, 10, 11 and 12, shall come into force on the day it receives the Royal Assent.

Commencement of Act other than ss. 8-12;

ss. 8-12.

(2) Sections 8, 9, 10, 11 and 12 shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

14. This Act may be cited as *The Sandwich, Windsor and Amherstburg Railway Act, 1949*.

CHAPTER 92.

An Act to amend The School Sites Act.

Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 2 of section 5 of *The School Sites Act*, as amended by section 1 of *The School Sites Amendment Act, 1948*, is further amended by inserting after the word "city" where it occurs in the first and fourth lines respectively the words "or town", so that the subsection shall read as follows:

- (2) The board of education for a city or town may acquire by purchase or otherwise, or may expropriate land in a township for the purposes of a school site where such land adjoins a boundary between the city or town and the township.

2. Section 6 of *The School Sites Act*, as amended by section 7 of *The School Law Amendment Act, 1940*, is repealed and the following substituted therefor:

- 6.—(1) A board of a city or town may acquire by purchase or otherwise any land in an adjacent municipality which the board deems it desirable to acquire in view of the probable further extension of the limits of the city or town so as to include such land, but no land shall be acquired under this section at a greater distance than one mile from the limits of the city or town.
- (2) All land acquired under subsection 1, so long as it is held by the board, shall be subject to municipal assessment and taxation in the municipality in which it is situate.
- (3) Nothing in subsection 1 shall be deemed to authorize the expropriation of land in another municipality by a board of a city or town.

Power to
dispose of
sites so
acquired.

- (4) Where a board has acquired land in another municipality under subsection 1, and the land appears to the board to have become undesirable for school purposes, the board may sell, lease or otherwise dispose of the land as it may deem expedient.

Commence-
ment of Act.

- 3.** This Act shall come into force on the day it receives the Royal Assent.

Short title.

- 4.** This Act may be cited as *The School Sites Amendment Act, 1949*.

CHAPTER 93.

An Act to amend The Securities Act, 1947.

*Assented to April 1st, 1949.**Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 10 of *The Securities Act, 1947* is repealed and the following substituted therefor: 1947, c. 98, s. 10, re-enacted.

10. Every application shall be made in writing upon a form prescribed by the regulations and provided by the Commission, and shall be accompanied by such fee as may be prescribed by the regulations. Application to be upon forms with proper fees.

2. Part III of *The Securities Act, 1947* is repealed. 1947, c. 98, ss. 21, 22, 23, 24, 25, repealed.

3.—(1) Where a charge has been laid with respect to any offence mentioned in clause *a* of subsection 1 of section 21 of *The Securities Act, 1947* before this Act comes into force the provisions of section 21 of the said Act shall apply to such offence until the charge is disposed of in the same manner as though this Act had not been passed. Pending actions.

(2) Every bond other than those that may be forfeited by reason of a charge having been laid before this Act comes into force shall be void on the day this Act comes into force and the collateral security that accompanied such bond shall be returned to the applicant. Bonds void; repayment of collateral security.

(3) Where a bond is forfeited and the amount thereof becomes due and owing by the person or company bound thereby as a debt due His Majesty in right of Ontario under section 21 of *The Securities Act, 1947* the provisions of sections 22, 23, 24 and 25 of the said Act shall apply to such forfeiture and amount due and owing in the same manner as though this Act had not been passed. Bonds forfeited.

4. This Act shall come into force on the 1st day of April, 1949. Commencement of Act.

5. This Act may be cited as *The Securities Amendment Act, 1949*. Short title.

CHAPTER 94.

An Act to amend The Separate Schools Act.

*Assented to April 1st, 1949.**Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 30 of *The Separate Schools Act* is amended by adding thereto the following clause: Rev. Stat., c. 362, s. 30, amended.

- (d) open an account in the name of the board in a chartered bank or in such other place of deposit as may be approved by the board and deposit to the credit of such account all money received by him on account of the board.

2. Subsection 10 of section 38 of *The Separate Schools Act* is amended by striking out the words "and also a list of the names, alphabetically arranged, of all ratepayers and persons entitled to vote in respect of income rated upon the then last revised assessment roll and not being already upon the voters' list" in the fifth, sixth, seventh and eighth lines, so that the subsection shall read as follows: Rev. Stat., c. 362, s. 38, subs. 10, amended.

- (10) In a city or town divided into wards, the clerk of the municipality shall furnish to the board, within three days after request in writing, the voters' list for each ward, annexing thereto a list of the names of all supporters of separate schools for Roman Catholics. Furnishing voters' list in cities and towns divided into wards.

3. Subsection 2 of section 62 of *The Separate Schools Act* is amended by striking out the word "or" where it occurs the first time in the seventh line and by inserting after the word "court" in the eighth line the words "by the Ontario Municipal Board or by the Court of Appeal", so that the subsection shall read as follows: Rev. Stat., c. 362, s. 62, subs. 2, amended.

- (2) The clerk shall enter opposite the name, in a column Entries. for that purpose, the date on which the notice was received, and in a third column opposite the name any notice by such person of withdrawal from sup-

porting a separate school, as provided by section 61, or by any such other Act, with the date of such withdrawal, or any disallowance of the notice by the court of revision, by a judge of the county or district court, by the Ontario Municipal Board or by the Court of Appeal, with the date of such disallowance.

Rev. Stat.,
c. 362, s. 63,
subs. 1,
amended.

4. Subsection 1 of section 63 of *The Separate Schools Act* is amended by striking out the words "or of a judge on appeal" in the ninth line and inserting in lieu thereof the words "a judge, the Ontario Municipal Board or the Court of Appeal on appeal", so that the subsection shall read as follows:

Correction
of mistakes
in assessing.

- (1) If it appears to the council of any municipality after the final revision of the assessment roll that through mistake or inadvertence a ratepayer has been entered on the roll either as a supporter of separate schools or as a supporter of public schools the council after due inquiry and notice may correct such error by directing the school taxes of such ratepayer to be paid to the proper school board; but it shall not be competent for the council to reverse the decision of the court of revision, a judge, the Ontario Municipal Board or the Court of Appeal on appeal.

Rev. Stat.,
c. 362, s. 70,
subs. 1,
amended.

5. Subsection 1 of section 70 of *The Separate Schools Act* is amended by striking out the word "August" in the second line and inserting in lieu thereof the word "February", so that the subsection shall read as follows:

Collection
of separate
school rates
by the muni-
cipality.

- (1) A municipal council, if so requested by the board at or before the meeting of the council in the month of February in any year, shall, through their collectors and other municipal officers, cause to be levied in such year upon the taxable property liable to pay the same all sums of money for rates or taxes imposed thereon in respect of separate schools.

Commence-
ment of Act.

6. This Act shall come into force on the day it receives the Royal Assent.

Short title.

7. This Act may be cited as *The Separate Schools Amendment Act, 1949*.

CHAPTER 95.

The Statute Law Amendment Act, 1949.

*Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Active Service Life Insurance Protection Act, 1944* 1944, c. 3, repealed.
is repealed.

2. Clause *d* of section 7 of *The Anatomy Act* is repealed. Rev. Stat., c. 226, s. 7, cl. *d*, repealed.

3.—(1) *The Cemetery Act* is amended by adding thereto the following section: Rev. Stat., c. 351, amended.

36*b*.—(1) Where a local municipality has expropriated a cemetery under section 36*a* the municipality may, with the approval of the Minister of Health,— Power of municipality to convey cemetery.

(*a*) convey the cemetery to trustees elected in the manner provided by section 47 or to a company incorporated for the purpose of operating a cemetery upon such trusts as the council of the municipality may deem proper; and

(*b*) assign to such trustees or company any money or securities held by the municipality for the purpose of providing for perpetual care of graves, lots, gravestones or fences in the cemetery.

(2) Where a municipality has conveyed a cemetery to trustees under this section the provisions of section 47 Application of s. 47. shall apply *mutatis mutandis*.

(2) Section 52 of *The Cemetery Act* is amended by adding thereto the following subsection: Rev. Stat., c. 351, s. 52, amended.

(2) Where the death took place outside of Ontario the certificate required by subsection 1 may be issued by a duly qualified coroner of the municipality in which the body is to be cremated. Where death outside Ontario.

Rev. Stat.,
c. 217, s. 7,
repealed.

4. Section 7 of *The Children of Unmarried Parents Act* is repealed.

Rev. Stat.,
c. 69, s. 5,
cl. i,
repealed.

5.—(1) Clause *i* of section 5 of *The Department of Labour Act* is repealed.

Rev. Stat.,
c. 69,
amended.

(2) *The Department of Labour Act* is amended by adding thereto the following section:

Annual
report.

5a.—(1) The Minister shall after the close of each fiscal year file with the Provincial Secretary an annual report upon the affairs of the Department.

Tabling.

(2) The Provincial Secretary shall submit the report to the Lieutenant-Governor in Council and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session.

Rev. Stat.,
c. 194, s. 1,
cls. *h*, *m*,
re-enacted.

6.—(1) Clauses *h* and *m* of section 1 of *The Factory, Shop and Office Building Act* are repealed and the following substituted therefor:

“Minister”;

(*h*) “Minister” shall mean Minister of Labour;

.

“Regula-
tions”.

(*m*) “Regulations” shall mean regulations made under this Act.

Rev. Stat.,
c. 194, s. 56,
subs. 5,
amended.

(2) Subsection 5 of section 56 of *The Factory, Shop and Office Building Act*, as amended by section 14 of *The Factory, Shop and Office Building Amendment Act, 1944*, is further amended by striking out the words “of Labour” in the second line, so that the first two lines of the subsection shall read as follows:

Regulations
as to
inspectors.

(5) Subject to the approval of the Lieutenant-Governor in Council, the Minister may make regulations,—

.

Rev. Stat.,
c. 4, s. 11,
re-enacted.

7. Section 11 of *The Haliburton Act* is repealed and the following substituted therefor:

Appoint-
ment and
salary of
gaoler.

11. The Lieutenant-Governor in Council may appoint the gaoler, gaol surgeon and other gaol employees for the Provisional County of Haliburton, and fix their salaries which shall be paid by the Provisional County.

Rev. Stat.,
c. 89; 1947,
c. 102, s. 3,
repealed.

8. *The King's Printer Act* and section 3 of *The Statute Law Amendment Act, 1947* (No. 2) are repealed.

9.—(1) Clause *e* of section 1 of *The Mothers' Allowances Act, 1948* is repealed and the following substituted therefor: ^{1948, c. 58, s. 1, cl. *e*, re-enacted.}

- (*e*) "local authority" means an investigator and in addition where there is a welfare unit means the public welfare administrator or where there is no welfare unit means the clerk of the municipality or such other person as the council with the approval of the Minister may appoint. ^{"local authority".}

(2) Subsection 1 of section 7 of *The Mothers' Allowances Act, 1948* is amended by striking out the article "the" in the third line and where it occurs the second time in the fifth line respectively and inserting in lieu thereof the article "a", so that the subsection shall read as follows: ^{1948, c. 58, s. 7, subs. 1, amended.}

- (1) Where there is no welfare unit, the council of any municipality may, subject to the approval of the Minister, appoint any person as a local authority for such municipality for the purposes of this Act, but until such an appointment is made the clerk of such municipality shall be a local authority. ^{Local authority,—appointment of.}

10.—(1) Clause *c* of section 1 of *The Old Age Pensions Act, 1948* is repealed and the following substituted therefor: ^{1948, c. 64, s. 1, cl. *c*, re-enacted.}

- (*c*) "local authority" means an investigator and in addition where there is a welfare unit means the public welfare administrator or where there is no welfare unit means the clerk of the municipality or such other person as the council with the approval of the Minister may appoint. ^{"local authority."}

(2) Subsection 1 of section 15 of *The Old Age Pensions Act, 1948* is amended by striking out the article "the" where it occurs the second time in the third line and in the sixth line respectively and inserting in lieu thereof the article "a", so that the subsection shall read as follows: ^{1948, c. 64, s. 15, subs. 1, amended.}

- (1) Where there is no welfare unit the council of any municipality not within a welfare area may, subject to the approval of the Minister, appoint any person as a local authority for such municipality for the purposes of this Act, but until such an appointment is made the clerk of such municipality shall be a local authority. ^{Local authority,—appointment of.}

11.—(1) Subsection 1 of section 39 of *The Public Libraries Act*, as re-enacted by section 3 of *The Public Libraries Amendment Act, 1949*, is repealed and the following substituted therefor: ^{Rev. Stat., c. 283, s. 39, subs. 1 (1949, c. 82, s. 3), re-enacted.}

Annual rate.

- (1) Where a public library is established for a city, town, village, township, police village, township school area or school section, the council of the city, town, village or township, the council or councils of the township or townships in which the police village, township school area or school section is situate, or the trustees of a school section in unorganized territory, as the case may be, in addition to all other rates shall levy in each year on the rateable property in the city, town, village, township, police village, township school area or school section for which the public library is established, a special rate to be called the "Public Library Rate" sufficient to provide the amount estimated by the board as hereinbefore provided, but no such rate shall be levied that will yield more than fifty cents per capita of population of the municipality, police village, township school area or school section according to the last revised assessment roll except by a vote of a majority of the council or trustees present and voting thereon.

Commence-
ment of
section.

- (2) This section shall come into force on the day this Act receives the Royal Assent.

1947, c. 89,
s. 3, subs. 2,
amended.

- 12.**—(1) Subsection 2 of section 3 of *The Public Service Act, 1947* is amended by striking out the words "from the date thereof and shall not be renewable" in the fifth line, so that the subsection shall read as follows:

Temporary
appoint-
ments.

- (2) A minister may appoint such persons to the civil service in any department over which he presides as he may deem requisite or as may be required under any Act, but any such appointment shall not be for a longer period than one year.

1947, c. 89,
s. 34 (1948,
c. 74, s. 7),
amended.

- (2) Section 34 of *The Public Service Act, 1947*, as re-enacted by section 7 of *The Public Service Amendment Act, 1948*, is amended by adding thereto the following subsection:

Employee
becoming
teacher or
inspector.1946, c. 96;
1949, c. 102.

- (7a) Where a former employee is employed within the meaning of *The Teachers' and Inspectors' Superannuation Act, 1946* or *The Teachers' Superannuation Act, 1949* his contributions and credits in the Fund, together with interest at the rate of four and three-quarters per centum per annum, shall be transferred to The Teachers' Superannuation Fund.

1947, c. 89,
s. 36,
re-enacted.

- (3) Section 36 of *The Public Service Act, 1947* is repealed and the following substituted therefor:

36.—(1) Where an employee becomes a member of the civil service of Canada or of the civic service of any municipality or of the staff of any board, commission or public institution established under any Act of this Legislature, a sum of money equal to his contributions and credits in the Fund or such portion thereof, as the Board, subject to the approval of the Lieutenant-Governor in Council, may determine, with interest at such rate as the Board, subject to the approval of the Lieutenant-Governor in Council, may determine, shall be paid out of the Fund into any like fund maintained to provide superannuation benefits for the members of such civil or civic service or staff, as the case may be.

Arrangement for payment,—
out of Fund
into another
superannua-
tion fund;

(2) Where a member of the civic service of any municipality or of the staff of any board, commission or public institution established under any Act of this Legislature becomes an employee and a sum of money is paid into the Fund in respect of the period during which he was a civic servant or on the staff of the board, commission or public institution, the Board, subject to the approval of the Lieutenant-Governor in Council, may allow him such credit under this Part in respect of the sum and the period of service represented thereby as may be determined.

into Fund
out of
another
superannua-
tion fund.

(4) This section shall be deemed to have come into force on the 1st day of March, 1948.

Commence-
ment of
section.

13.—(1) Subsection 2 of section 3 of *The Rights of Labour Act, 1944* is amended by striking out the words and figures “*The Labour Relations Board Act, 1944*” in the third and fourth lines and inserting in lieu thereof the words and figures “*The Labour Relations Act, 1948*”, so that the subsection shall read as follows:

1944, c. 54,
s. 3, subs. 2,
amended.

(2) A trade union shall not be made a party to any action in any court unless such trade union may be so made a party irrespective of any of the provisions of this Act or of *The Labour Relations Act, 1948*.

Trade
union,—
party to
action.

(2) Subsection 3 of the said section 3 is amended by striking out the words and figures “*The Labour Relations Board Act, 1944*” in the fourth and fifth lines and inserting in lieu thereof the words and figures “*The Labour Relations Act, 1948*”, so that the subsection shall read as follows:

1944, c. 54,
s. 3, subs. 3,
amended.

(3) A collective bargaining agreement shall not be the subject of any action in any court unless such collective bargaining agreement may be the subject of such action irrespective of any of the provisions of this Act or of *The Labour Relations Act, 1948*.

Collective
bargaining
agreement,—
subject of
action.

Rev. Stat.,
c. 2, s. 8,
repealed.

14. Section 8 of *The Statutes Act* is repealed.

Rev. Stat.,
c. 165, s. 6,
cl. c,
amended.

15. Clause *c* of section 6 of *The Trustee Act*, as amended by section 41 of *The Statute Law Amendment Act, 1941*, is further amended by striking out the words “at least two trustees” in the eighth line and inserting in lieu thereof the words “a trust company or at least two individuals as trustees”, so that the clause shall read as follows:

Where not
less than
two indi-
viduals or a
trust com-
pany to be
appointed.

(c) it shall not be obligatory to appoint more than one new trustee where only one trustee was originally appointed or to fill up the original number of trustees where more than two trustees were originally appointed; but, except where only one trustee was originally appointed, a trustee shall not be discharged under section 3 from his trust unless there will be a trust company or at least two individuals as trustees to perform the trust; and

.

Short title.

16. This Act may be cited as *The Statute Law Amendment Act, 1949*.

CHAPTER 96.

An Act to provide for the Consolidation of the Statutes.

*Assented to March 9th, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Lachlan Randolph MacTavish, one of His Majesty's Counsel, and Donald Milner Treadgold, a member of the Bar of Ontario, Legislative Counsel and Municipal Legislative Counsel respectively, or such other person or persons as the Lieutenant-Governor in Council may designate, are hereby appointed commissioners to consolidate and revise the public statutes of Ontario in accordance with this Act.

Commissioners.

2. In consolidating and revising the statutes the commissioners may alter the numbering and arrangement of the statutes and of the sections thereof, and may make such alterations in their language as are requisite to preserve a uniform mode of expression, and may make such minor amendments as are necessary to bring out more clearly what is deemed to be the intention of the Legislature or to reconcile seemingly inconsistent enactments, or to correct clerical, grammatical or typographical errors.

Powers of commissioners.

3. As soon as the commissioners report the completion of the consolidation and revision the Lieutenant-Governor may cause a printed Roll thereof, attested by his signature and countersigned by the Provincial Secretary, to be deposited in the office of the Clerk of the Assembly.

Printed Roll to be deposited with Clerk of Assembly.

4. There may be appended to the Roll,—

Appendices.

- (a) an appendix marked "Appendix A" similar in form to Appendix A appended to the Revised Statutes of Ontario, 1937, showing the Acts and parts of Acts not repealed by the Revised Statutes of Ontario, 1950, and in force subject thereto; and
- (b) an appendix marked "Appendix B" similar in form to Appendix B appended to the Revised Statutes of Ontario, 1937, containing certain Imperial statutes

and statutes of Canada relating to the constitution and boundaries of Ontario.

Schedules.

5.—(1) There may be appended to the Roll,—

- (a) a schedule marked "Schedule A" similar in form to Schedule A appended to the Revised Statutes of Ontario, 1937, showing the Acts contained in the Revised Statutes of Ontario, 1950, and the other Acts that are repealed in whole or in part from the day upon which the Revised Statutes of Ontario, 1950, take effect and the extent of such repeal; and
- (b) a schedule marked "Schedule B" similar in form to Schedule B appended to the Revised Statutes of Ontario, 1937, showing the Acts and parts of Acts that are repealed, superseded and consolidated in the Revised Statutes of Ontario, 1950, and showing also the portions of the Revised Statutes of Ontario, 1937, and Acts passed thereafter that are not consolidated.

Effect of
insertion
of an Act
in schedules.

(2) The insertion of any Act in the schedules or either of them shall not be construed as a declaration that the Act or any part thereof was or was not in force immediately before the coming into force of the Revised Statutes of Ontario, 1950.

Proclama-
tion.

6.—(1) After the deposit of the Roll the Lieutenant-Governor in Council may by proclamation declare the day upon which the same shall come into force and have effect as law by the designation "Revised Statutes of Ontario, 1950".

Effect
of procla-
mation.

(2) On and after the day proclaimed the Roll shall accordingly be in force and effect by the said designation to all intents as though the same were expressly embodied in and enacted by this Act to come into force and have effect on and after that day; and on and after that day all the enactments in the several Acts and parts of Acts in Schedule A thereto shall be repealed to the extent mentioned in the third column of the schedule.

References
to repealed
Acts in
former
Acts, etc.

7. Any reference in any unrepealed and unconsolidated Act or in any instrument or document, to any Act or enactment repealed and consolidated shall, after the Revised Statutes of Ontario, 1950 come into force, be held, as regards any subsequent transaction, matter or thing, to be a reference to the enactment in the said Revised Statutes having the same effect as such repealed and consolidated Act or enactment.

Copies
printed by
King's
Printer to
be evidence.

8. Copies of the Revised Statutes of Ontario, 1950 as printed by the King's Printer shall be received as evidence of

the said Revised Statutes in all courts and places whatsoever.

9. The laws relating to the distribution of the printed copies of the statutes shall not apply to the Revised Statutes of Ontario, 1950, but the same shall be distributed in such numbers and to such persons and in such manner as the Lieutenant-Governor in Council may direct. As to distribution of copies.

10. This Act shall be printed with the Revised Statutes of Ontario, 1950 and shall be subject to the same rules of construction as the said Revised Statutes. This Act to be printed with Revised Statutes.

11. Any chapter of the Revised Statutes of Ontario, 1950 may be cited and referred to in any Act or proceeding whatever, either by its title as an Act or by using the expression "Revised Statutes of Ontario, 1950, chapter ", adding the number of the particular chapter in the copies printed by the King's Printer. How Acts may be cited.

12. This Act may be cited as *The Statutes Consolidation Act, 1949*. Short title.

CHAPTER 97.

An Act respecting The Hydro-Electric Power Commission of Ontario, Steep Rock Iron Mines Limited, The Ontario-Minnesota Pulp and Paper Company Limited and His Majesty the King.

*Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Notwithstanding anything contained in *The Power Commission Act* or any other Act of this Legislature but subject to subsection 2,—

Certain
agreements
validated.

Rev. Stat.,
c. 62.

- (a) Water Power Lease No. 115 granted by His Majesty the King in right of Ontario to The Ontario-Minnesota Pulp and Paper Company Limited dated the 15th day of March, 1949, set out as Schedule A, relating to the leasing of certain water power sites and other matters as therein provided;
- (b) the agreement between The Hydro-Electric Power Commission of Ontario and The Ontario-Minnesota Pulp and Paper Company Limited dated the 15th day of March, 1949, set out as Schedule B, relating to the supply of power to The Ontario-Minnesota Pulp and Paper Company Limited and other matters as therein provided;
- (c) the agreement between The Hydro-Electric Power Commission of Ontario, The Ontario-Minnesota Pulp and Paper Company Limited and His Majesty the King in right of Ontario dated the 15th day of March, 1949, set out as Schedule C, relating to the maintenance and operation of certain dams and of the Seine Diversion and other matters as therein provided;
- (d) the agreement between The Ontario-Minnesota Pulp and Paper Company Limited and The Hydro-Electric Power Commission of Ontario dated the

15th day of March, 1949, set out as Schedule D, relating to the sale of the Moose Lake Plant and certain other assets by The Ontario-Minnesota Pulp and Paper Company Limited to The Hydro-Electric Power Commission of Ontario and other matters as therein provided; and

- (e) the agreement between The Hydro-Electric Power Commission of Ontario and Steep Rock Iron Mines Limited dated the 15th day of March, 1949, set out as Schedule E, relating to the construction of a dam and other matters as therein provided,

when executed and delivered are hereby ratified and confirmed and declared to be legal, valid and binding upon the parties thereto, their successors and assigns.

When
agreements
to become
binding.

(2) Notwithstanding anything contained in the lease set out as Schedule A or in the agreements set out as Schedules B, C, D and E the said lease and agreements shall not become binding upon the parties thereto until the day this Act comes into force.

Powers of
Commission
with respect
to certain
agreements.

2.—(1) The Hydro-Electric Power Commission of Ontario is authorized to construct, maintain and operate dams, control gates and all other works for the storage and control of water necessary to enable it to perform its obligations under the agreement set out as Schedule C and the agreement set out as Schedule E, and for such purposes to enter upon, take possession of, expropriate and use any land, lake, river, stream or other body of water, or any watercourse, channel, water diversion or canal, and to divert or alter the boundaries or course of any lake, river, stream, or other body of water, or of any watercourse, channel, water diversion or canal, and to raise or lower the level of the same and to flood or overflow any land.

Additional
powers.

Rev. Stat.,
c. 62.

(2) In relation to all matters authorized by subsection 1 the Commission shall have, and may exercise and enjoy, all the powers conferred upon it by subsections 3, 4, 5 and 6 of section 21 of *The Power Commission Act* in relation to matters authorized by the Lieutenant-Governor in Council under any of the provisions of section 21 of *The Power Commission Act* and the provisions of subsections 3, 4, 5, 6 and 7 of section 21 of *The Power Commission Act* shall apply to all matters authorized under subsection 1.

Idem.

(3) Subsection 8 of section 21 of *The Power Commission Act* shall apply in relation to all matters authorized by subsection 1 with the substitution of the words "pursuant to subsection 1 of section 2 of *The Steep Rock Iron Ore Development Act, 1949*" for the words "pursuant to any authorization of the Lieutenant-Governor in Council under this section".

3.—(1) Any profits that have heretofore arisen or that ^{Profits.} hereafter arise from any agreement at any time made between The Hydro-Electric Power Commission of Ontario and Steep Rock Iron Mines Limited for the supply of electrical power or energy by The Hydro-Electric Power Commission of Ontario to Steep Rock Iron Mines Limited in any territorial district in Ontario and any profits that arise under the agreement set out as Schedule B shall be credited to the account for Northern Ontario Properties of The Hydro-Electric Power Commission of Ontario under any agreement with His Majesty the King under section 47 of *The Power Commission Act*.

(2) Any losses that heretofore have arisen or that hereafter ^{Losses.} arise from any agreement for the supply of electrical power or energy referred to in subsection 1 or from any other agreement hereafter made for the supply of electrical power or energy by The Hydro-Electric Power Commission of Ontario to Steep Rock Iron Mines Limited shall be charged to the account referred to in subsection 1.

(3) Any money that becomes due to The Hydro-Electric ^{Disposition of moneys.} Power Commission of Ontario under the agreement set out as Schedule E and that is not paid shall be charged to the account referred to in subsection 1 and if subsequently paid shall be credited thereto.

(4) The cost to The Hydro-Electric Power Commission of ^{Disposition of losses.} Ontario of anything done pursuant to the agreement set out as Schedule C and the losses arising out of indemnities or guarantees given by The Hydro-Electric Power Commission of Ontario under that agreement, for which it is not reimbursed by Steep Rock Iron Mines Limited pursuant to the agreement set out as Schedule E shall be charged to the account referred to in subsection 1, and if subsequently paid shall be credited thereto.

4.—(1) No action shall be brought or be maintainable ^{Certain actions against O.-M. prohibited.} against The Ontario-Minnesota Pulp and Paper Company Limited, its successors or assigns in respect of any claim arising or growing out of or based upon any escape of water from Moose Lake or due to any insufficiencies of dams or works on Moose Lake or relating to the Seine Diversion or the manner in which the same are maintained and operated.

(2) Such powers of expropriation as were exercisable by ^{Expropriation powers.} The Seine River Improvement Company Limited when *The Steep Rock Iron Ore Development Act, 1942* came into force may be validly exercised by The Ontario-Minnesota Pulp and Paper Company Limited in the same manner and to the same extent as if Part XIII of *The Companies Act* applied to ^{Rev. Stat., c. 251.} The Ontario-Minnesota Pulp and Paper Company Limited.

Termination
of certain
agreements.

5. The agreements set out as Schedules A, B, C and D to *The Steep Rock Iron Ore Development Act, 1942*, and all amendments to the agreements set out in the said Schedules B and C shall remain binding upon the parties thereto until the lease set out as Schedule A and the agreements set out as Schedules B, C, D and E to this Act have been executed and delivered and have become binding and thereupon the agreements set out as Schedules A, B, C and D to *The Steep Rock Iron Ore Development Act, 1942*, and all amendments to the agreement set out in the last-mentioned Schedules B and C shall terminate except as regards the obligations of Steep Rock Iron Mines Limited contained in paragraph 7 of the agreement made the 10th day of April, 1942, between The Ontario-Minnesota Pulp and Paper Company Limited, Steep Rock Iron Mines Limited and The Seine River Improvement Company Limited set out as Schedule D to the said Act, which obligations shall continue in full force and effect in respect of any claim based on any escape of water arising prior to the time of such termination.

1942, c. 35;
1943, c. 29,
repealed.

6. *The Steep Rock Iron Ore Development Act, 1942* and *The Steep Rock Iron Ore Development Act, 1943* are repealed.

Commence-
ment of Act.

7. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation, provided that no such Proclamation shall be issued after the 15th day of April, 1949, or shall name a day after the 15th day of April, 1949.

Short title.

8. This Act may be cited as *The Steep Rock Iron Ore Development Act, 1949*.

SCHEDULE A

WATER POWER LEASE

No. 115

PROVINCE OF ONTARIO

Dated the 15th day of March, 1949

HIS MAJESTY THE KING in right of Ontario, represented
by the Minister of Lands and Forests (hereinafter re-
ferred to as "the Crown")

OF THE ONE PART

—and—

THE ONTARIO-MINNESOTA PULP AND PAPER COMPANY
LIMITED (hereinafter called "the Company")

OF THE OTHER PART

The parties hereto hereby agree to and with each other as follows:

1. The Crown demises and leases unto the Company, the certain parcels or tracts of land and land under the waters of the Seine River in the District of Rainy River in the Province of Ontario being water power sites at Sturgeon Falls and Calm Lake and being more particularly described in Schedules A and B hereto, together with all advantages and appurtenances which may during the term hereby granted be held, occupied or enjoyed therewith, for a period from the First day of April, 1949 to the Thirty-first day of March, 1989, inclusive, subject to the following rates, terms and conditions:

2. The use by the Company of the areas in Schedules A and B hereto from the First day of April, 1947 to the Thirty-first day of March, 1949, is hereby authorized and confirmed by the Crown at the rates which have been paid by the Company to the Crown under Water Power Lease No. 28. The use by the Company of the balance of the areas demised to the Company under Water Power Lease No. 28 from the First day of April, 1947 to the date of the completion of the sale of the Moose Lake plant and certain other assets by the Company to The Hydro-Electric Power Commission of Ontario pursuant to agreement of even date herewith is hereby authorized and confirmed by the Crown at the rates which have been paid by the Company to the Crown under Water Power Lease No. 28.

3. The Company shall pay annually to the Crown in advance, a minimum payment of \$3,750.00, commencing on the 15th day of April, 1949 and on or before the 15th day of April in each and every year during the continuance of these presents.

4. If during any period extending from the First day of April to the Thirty-first day of March next following, the Company shall at the two sites develop more than 3,333 average horse power, the Company shall pay the Crown for any average horse power developed beyond the said amount, at the permanent rate of One Dollar and twelve and one-half cents (\$1.12½) per average horse power developed per annum.

5. The excess above 3,333 average horse power developed per annum shall be computed from data which the Company shall submit to the Crown on or before the Thirtieth day of April in each succeeding year and which shall be a certified yearly statement compiled from monthly records setting out the total average horse power developed at each site during each month of the period and also showing for each power site development the mean elevations of head water and tail water, the operating head and the volume of water in cubic feet per second passing through the different openings.

6. The Company shall pay the Crown the amount due for average annual development at the two sites in excess of 3,333 horse power on or before the Thirty-first day of May in each and every year next following the period during which such horse power was developed.

7. The Company shall maintain the developments already made, and shall utilize the water privileges situated on the lands hereby demised by maintenance of all necessary works and all necessary plant and machinery on the said lands for the generation of electricity, or the production of some other form of power by means of the water flowing in or over those portions of the bed of the river situate on the lands hereby demised to the full extent and capacity.

8. The Company shall use the power so developed in the operation of machinery or some other commercial, mechanical or industrial purpose (provided that the power so developed shall not be used for the production of steam during any period when there is a shortage of electrical power in the Fort Frances area) or if the power so developed or any part thereof shall not be required for such purpose or purposes by the Company, the power not so required from time to time by the Company shall be furnished upon written request of the Minister to The Hydro-Electric Power Commission of Ontario or to any other person or corporation requiring the same up to the amount of power required or in demand.

9. Whenever so required by the Minister, the Company shall execute and deliver to any person or corporation operating a mine, or to any other person, corporation or commission with a bona fide demand for power, a contract to deliver power for any industrial, mining, domestic, rural or municipal use or purpose at such points on any transmission line operated by the Company in connection with its water power sites at Sturgeon Falls and Calm Lake to such amount, and upon such terms and conditions as to rate, security for payment or otherwise, as the Minister may determine.

10. No power developed under the terms of this Lease shall be exported from the Province of Ontario except under the authority of an Order-in-Council. Application by the Company for authority to export power shall be made to the Minister by registered mail at least thirty (30) days before the date of the intended export of power. Notice of intention to apply for such authority shall, at the same time as such application is made, be sent by registered mail to The Hydro-Electric Power Commission of Ontario and to the Clerk of the Corporation of the Town of Fort Frances.

11. Upon report being made by the Minister to the Lieutenant-Governor in Council that the water privileges aforesaid have not been developed and utilized to the full extent of their capacity by the works constructed, or the water wheels, plant and machinery installed by the Company and that there is a bona fide demand for power in excess of the quantity of power developed and utilized by the Company, which might in whole or in part be supplied from the water privileges aforesaid, then the Lieutenant-Governor in Council may by Order in Council require the Company to develop and render available for use the additional quantity of power so shown to be undeveloped and capable of development or any part thereof, by the construction of the necessary works, the location of water wheels and the installation of suitable and necessary plant and machinery on the said lands within a period of time to be named in the said Order, and in default of compliance with the said requirements, the Lieutenant-Governor in Council may order and direct that this Lease shall be forfeited and cancelled and the same shall be forfeited and cancelled accordingly.

12. For the purpose of ascertaining the quantity of power actually developed or capable of development from the water privileges aforesaid or the quantity of power exported from the Province or the amount of rental payable hereunder by the Company, the Minister or any engineer appointed by him for that purpose shall at all times have authority to enter upon the said lands hereby demised or any buildings or works erected thereon or any part thereof, or any other lands, buildings or works on or in or by means of which power from the said privileges is developed, and examine and inspect the same, and take measurements and make observations and shall have free access to all books, plans or records

bearing on the said quantity of power. Any calculations of the quantity of power developed or capable of development from the said water privileges or of the amount of rental payable hereunder made by the Minister or by such engineer shall be binding upon the Company.

13. Should any person, corporation or commission receiving power from the Company for distribution, or any other person, corporation or commission desirous of obtaining power as aforesaid, fail to agree upon the rate or price to be paid for the same, or the terms and conditions for supplying the same, either party may submit the matter to the Minister, and any order made by the Minister fixing and determining the said rates and conditions shall be final and conclusive and binding upon all parties concerned.

14. In the case of submission to the Minister, as in the preceding paragraph, the Company, if so required by the said Minister, shall produce all books, accounts, records and statements, verified by affidavit, of the cost of constructing, equipping and maintaining the works for the development of the said privileges hereby demised, and delivering the power therefrom.

15. The granting hereof or the requirements herein as to the development of power from the said water privileges shall not be deemed to be a guarantee by the Minister that any quantity of power is capable of being generated from the said privileges, and the Company shall have no recourse against the Minister, or the Government of Ontario, if power cannot be generated therefrom.

16. Upon the complaint in writing to the Minister by any municipal corporation, company or person, that any municipal corporation, company or person receiving power from the Company is charging for electric lighting or heating or energy a rate which is excessive or unfair, or that any municipal corporation is making use of the power received from the Company for the purpose of granting a bonus by supplying power, light or heat below cost, the Minister may refer the complaint to The Hydro-Electric Power Commission of Ontario for hearing and adjudication under the powers contained in Chapter 62, Revised Statutes of Ontario, 1937, and the findings and directions of The Hydro-Electric Power Commission shall be final and conclusive.

17. The Company shall not have the power or authority under these presents to overflow or cause to be overflowed any land or lands other than those hereby demised, and it is distinctly understood and agreed that should any lands other than those herein demised be overflowed or damaged, the Crown or the Government of Ontario shall in no wise be responsible for damage done thereto to the owner or owners thereof.

18. During the continuance of this Lease, the Company shall keep and maintain all dams, weirs, tunnels, races, flumes, sluices, pits and other structures and works necessary for the development and use of the water powers or privileges aforesaid in good repair and condition and shall not wilfully or otherwise injure or destroy the same or any part thereof, but at the expiry or sooner determination thereof, shall leave all such structures and works in good repair and condition, reasonable use and wear thereof and damage by fire and tempest only excepted, and so that their subsequent usefulness shall not be lessened by any act of the Company.

19. The Company shall not destroy or obstruct the navigation of the said Seine River or any other river, stream, lake or other body of water flowing into or out of the same which was previously navigable, and the Company shall provide such locks, canals, passages and other means as may be necessary for the proper and safe surmounting or passing of any dam, weir or other work made or erected by the Company and as may be required for purposes of navigation by the Government of Canada.

20. The granting of these presents shall not interfere with, lessen, or restrict the right of timber owners or others to drive their logs or timber down the said Seine River, or that part of it hereby demised, and full and proper provision shall be made by the Company for the safe and convenient passage of logs and timber past the said power developments.

21. At the expiry or sooner determination of this Lease, the said lands hereby demised, together with the water power privileges aforesaid, shall revert to and become the property of the Crown as fully as if these presents had never been executed, together with all buildings, dams, weirs, tunnels, races, flumes, sluices, pits and other structures and works situate thereon, provided nevertheless that within a reasonable time to be fixed by the Minister, the Company may remove all machinery employed by it in the development or use of the said water powers or privileges, but failing such removal within the time so fixed, such machinery shall become the property of and be vested in the Crown to all intents and purposes whatsoever. Provided that where any such buildings or structures are of a permanent character and necessary or useful for the proper development and utilization of the water privileges aforesaid, the Lieutenant-Governor in Council may upon report in that behalf by the Minister, pay the Company by way of compensation therefor and purchase thereof, such sum or sums as he may deem proper upon the same being appropriated for the purpose by the Legislative Assembly of the Province.

22. The Minister may cancel this Lease for non-payment of the rent hereby reserved as aforesaid within ninety days after the time the same is payable, whether the same has been demanded or not, or if the conditions as to the construction, maintenance or operation of the works or the development or supply of power have not been complied with or if the Company has continually failed or neglected for the space of one year effectually to produce power from the said privileges either for its own use or for that of other persons unless hindered by unavoidable accident, or if the Company has failed or neglected to comply with any of the conditions hereof or any Order-in-Council respecting any matter or thing arising hereunder concerning which such Order-in-Council is made.

23. Ten days' notice in writing shall be given the said Company before any such cancellation in order that it may have an opportunity of being heard should it so desire.

24. The acceptance of rent hereunder shall not be deemed to be a waiver of any of the terms or conditions herein expressed concerning the construction of works, development or supply of power or otherwise.

25. These presents and the term hereby created shall not be assigned or transferred without the written consent of the Minister.

26. The sending of a notice by prepaid and registered letter addressed to the Company at Kenora, Ontario, shall be good and sufficient service of any notice which must be given to the Company under the provisions of these presents.

27. The Company covenants that this lease is accepted by it subject to any rights of His Majesty in right of Canada to control the navigation of the Seine River and the Company hereby covenants and agrees that under these presents it shall have no recourse against His Majesty in right of the Province of Ontario by reason of any damage that may hereafter be sustained by the Company in consequence of any works constructed or to be constructed or authorized by His Majesty in right of Canada in connection with improvement of the navigation of the Seine River, or otherwise caused by the exercise by His Majesty in the right of Canada of any rights to control navigation.

28. These presents shall extend to and be binding upon and enure to the benefit of the parties hereto, their administrators, assignees and successors respectively.

29. This Lease shall be subject to all Acts of the Legislature of the Province of Ontario of general application throughout the said Province which are now or which may hereafter be in force and all regulations of general application throughout the said Province duly made under the provisions of any such Acts, and the same shall be binding upon and enure to the benefit of the Company and shall apply to its operation under this Lease as fully and effectually as if they had been set forth herein.

30. This Lease shall not become binding upon the parties unless and until an Act of the Legislature of the Province of Ontario shall be passed at the present session of the Legislature confirming and validating this Lease and certain agreements of even date herewith, short particulars of which are as follows:

(a) Agreement between The Hydro-Electric Power Commission of Ontario and The Ontario-Minnesota Pulp and Paper Company Limited relating to the supply of power to The Ontario-Minnesota Pulp and Paper Company Limited and other matters as therein provided;

(b) Agreement between The Hydro-Electric Power Commission of Ontario, The Ontario-Minnesota Pulp and Paper Company Limited and His Majesty the King in right of Ontario relating to the maintenance and operation of certain dams and of the Seine River Diversion and other matters as therein provided;

(c) Agreement between The Ontario-Minnesota Pulp and Paper Company Limited and The Hydro-Electric Power Commission of Ontario relating to the sale of the Moose Lake plant and certain other assets by The Ontario-Minnesota Pulp and Paper Company Limited to The Hydro-Electric Power Commission of Ontario and other matters as therein provided;

(d) Agreement between The Hydro-Electric Power Commission of Ontario and Steep Rock Iron Mines Limited relating to the construction of a dam and other matters as therein provided;

—and the said Act has been proclaimed, whereupon this Lease shall be binding and shall have effect in accordance with its terms.

IN WITNESS WHEREOF The Honourable H. R. Scott, Minister of Lands and Forests, has hereunto set his hand and seal of the Department of Lands and Forests and The Ontario-Minnesota Pulp and Paper Company Limited has hereunto set its seal over the signatures of its proper signing officers in that behalf.

R. H. SCOTT
Minister of Lands and Forests
(Seal)

THE ONTARIO-MINNESOTA PULP AND PAPER
COMPANY, LIMITED

By DONALD D. DAVIS
President
(Seal)

R. D. MAIN
Secretary

Schedule A to Water Power Lease No. 115

Dated 15th March 1949

Sturgeon Falls Power site location. Comprising land and land under water at Sturgeon Falls on the Seine River, being composed of mining locations P 728, H P 158 and parts of mining locations G 278, H P 726, H P 727, 274X, H P 157, and part of the bed of the Seine River and road allowance on each side adjacent thereto, described as follows,—

Commencing at the southwesterly angle of mining location P 728; thence north along the westerly limit of said mining location fifteen hundred (1500) feet; thence due west six hundred and fifty (650) feet; thence due north nine hundred and fifty-seven and four tenths (957.4) feet more or less to the southerly limit of the right of way of the Canadian National Railway; thence easterly and along said last mentioned southerly limit, six hundred and fifty-five and three tenths (655.3) feet more or less to a point in the same north astronomically of the northwesterly angle of said mining location P 728; thence north astronomically to a point in the same three hundred and sixty feet from the northwesterly angle of said mining location P 728; thence east astronomically five thousand four hundred and thirteen and three tenths (5413.3) feet more or less to a point due north of the northeast angle of mining location H P 158; thence

south astronomically to the northeast angle of mining location H P 158; thence continuing south along the easterly limit of the said mining location H P 158 to the southeast angle thereof; thence west along the south limit of said mining location H P 158 eighteen hundred and seventy nine feet (1879) more or less to the easterly limit of mining location H P 157; thence south astronomically one thousand and eighty (1080) feet; thence west astronomically two thousand nine hundred and fifty (2950) feet more or less to the westerly limit of the road allowance along the westerly shore of the Seine River; thence northerly and along the said westerly limit to the intersection of the same with the northerly limit of mining location K 271; thence westerly along the northerly limit of said mining location K 271 to the place of commencement, excluding therefrom the right of way of the Canadian National Railway across said described area, said parcel containing three hundred and forty-nine and thirty-one hundredths (349.31) acres more or less, as shown outlined in pink on plan of survey by Ontario Land Surveyor E. H. Low dated March 7th, 1927, of record in the Department of Lands and Forests of the Province of Ontario at Toronto, copies of which have been furnished to the Company.

Schedule B to Water Power Lease No. 115

Dated 15th March 1949

Calm Lake Power site location. Comprising land and land under the water on Seine River in the township of Bennett, being composed of parts of broken lot 1, concession 3, part of lot 2, concession 4, part of mining locations H P 161, H P 159, part of the bed of Seine River and the original road allowance adjoining the same described as follows,—

Firstly,—Part of Lot 1, Concession 3, township of Bennett, parts of mining locations H P 161, and H P 159, and the Seine River and road allowance, commencing at a point in the westerly limit of broken lot 1, in the 3rd concession, of the township of Bennett, distant two thousand six hundred and forty (2640) feet measured south along said limit from the northwest angle of said broken lot, thence south along the west limit of said broken lot to the intersection with the high water mark on the northwesterly shore of the Seine River; thence continuing southerly, following the irregularities of said high water mark down stream to a point where the south limit of mining location H P 161 produced westerly would intersect the same; thence easterly along said production and the south limit of mining location H P 161 to the south east angle thereof; thence north along the east limit of mining location H P 161, one thousand nine hundred and eighty (1980) feet more or less to the northeast angle thereof; thence east along the south limit of mining location H P 159, six hundred and forty (640) feet to the southerly production of the easterly limit of the township of Bennett; thence north astronomically two thousand two hundred (2200) feet more or less to the intersection with the high water mark on the southeasterly shore of the Seine River; thence north forty-five (45) degrees west astronomically, across said Seine River, to the high water mark on the northwesterly shore; thence southwesterly following the said high water mark to a point due east from the point of commencement; thence west astronomically one thousand (1000) feet more or less to the place of commencement, said parcel containing one hundred and sixty-four (164) acres more or less, as shown outlined in pink on a plan of survey by Ontario Land Surveyor E. H. Low, dated March 7th, 1927, of record in the Department of Lands and Forests of the Province of Ontario at Toronto, copies of which have been furnished to the Company.

Secondly,—Part of lot 1, concession 3, township of Bennett;—Commencing at the northwesterly angle of lot 1, in the 3rd concession of said township of Bennett; thence southerly along the westerly limit of said lot 1, six hundred and sixty (660) feet; thence due east six hundred and sixty (660) feet; thence northerly and parallel to aforesaid westerly limit six hundred and sixty (660) feet more or less to the northerly limit of said lot 1; thence westerly and along the northerly limit of said lot 1, six hundred and sixty (660) feet more or less to the place of commencement, said parcel containing ten (10) acres more or less, as shown outlined in pink on plan of survey by Ontario Land Surveyor E. H. Low, dated March 7th, 1927, of record in the Department of Lands and Forests of the Province of Ontario at Toronto, copies of which have been furnished to the Company.

Thirdly,—Part of lot 2, concession 4, township of Bennett;—Commencing at a point in the southerly limit of lot 2, in the 4th concession of the township of Bennett, distant three hundred and thirty feet (330') measured west from the southeasterly angle thereof; thence northerly and parallel to the easterly limit of the said lot 1, one thousand nine hundred and eighty (1980) feet; thence due west three hundred and thirty (330) feet; thence southerly and parallel to the easterly limit of said lot 2, one thousand nine hundred and eighty (1980) feet more or less to the southerly limit of said lot 2; thence easterly and along the said southerly limit three hundred and thirty (330) feet more or less to the place of commencement, said parcel containing fifteen (15) acres more or less, as shown outlined in pink on a plan made by Ontario Land Surveyor E. H. Low, dated March 7th, 1927, of record in the Department of Lands and Forests of the Province of Ontario at Toronto, copies of which have been furnished to the Company.

SCHEDULE B

THIS AGREEMENT made in triplicate the 15th day of March, 1949.

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO
(hereinafter called the "Commission")

OF THE ONE PART

—and—

THE ONTARIO-MINNESOTA PULP AND PAPER COMPANY
LIMITED (hereinafter called the "Company")

OF THE OTHER PART

WHEREAS the Commission acting under *The Power Commission Act*, R.S.O. 1937 chapter 62 and amendments thereto is willing to enter into an agreement for the supply of electric power on the terms and conditions herein contained;

AND WHEREAS the Company is a company duly incorporated under the laws of the Province of Ontario with head office at the Town of Kenora in the said Province;

AND WHEREAS The Seine River Improvement Company Limited (hereinafter called the "Seine River Company") developed and utilized the water privileges situate on premises demised to the Seine River Company under a lease (hereinafter called "Water Power Lease No. 28") granted by His Majesty the King and dated the 29th day of April, 1927 and in connection with such development and utilization constructed three hydro-electric plants commonly known as the Moose Lake, Calm Lake and Sturgeon Falls plants along the course of the Seine River;

AND WHEREAS Steep Rock Iron Mines Limited, a company incorporated under the laws of the Province of Ontario, in connection with the development and operation of mining properties in the vicinity of the Moose Lake plant desired to and did construct certain works (hereinafter referred to as "the Seine Diversion") so as to divert the natural flow of the Seine River through the Seine Diversion thereby rendering it impracticable to operate the Moose Lake plant;

AND WHEREAS by an Act of the Legislature of Ontario, *The Steep Rock Iron Ore Development Act, 1942*, certain agreements were ratified and confirmed and declared to be legal and binding upon the parties thereto, their successors and assigns, including an agreement (hereinafter called "the 1942 Power Contract") between The Hydro-Electric Power Commission of Ontario and The Ontario-Minnesota Pulp and Paper Company Limited and The Seine River Improvement Company Limited, dated the 10th day of April, 1942, set out in Schedule A to the said Act and relating to the supply of power to The Ontario-Minnesota Pulp and Paper Company Limited and other matters as therein provided;

AND WHEREAS the Commission has been supplying electric power to the Company under the provisions of the 1942 Power Contract;

AND WHEREAS the Company acquired the entire undertaking, business, property and assets of the Seine River Company and the Seine River Company assigned Water Power Lease No. 28 to the Company in the year 1942 and the Seine River Company has since been dissolved;

AND WHEREAS the Company has since the assignment to it of Water Power Lease No. 28 continued to develop and utilize the said water privilege subject to the impracticability as aforesaid of operating the Moose Lake plant;

AND WHEREAS the Crown in right of the Province of Ontario has

requested that the Moose Lake plant and certain other assets should be sold by the Company to the Commission and the Company has agreed to sell the Moose Lake plant and such other assets to the Commission on the terms of an agreement of sale and purchase of even date herewith between the Company and the Commission;

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the premises and the mutual and respective covenants and agreements of the parties and other considerations herein contained the parties hereby covenant, promise and agree as follows:

1. The Commission agrees to reserve for and deliver to the Company ten thousand five hundred (10,500) horse power of electrical power and energy as firm power under the conditions and at the point of delivery herein specified such delivery to commence on the date upon which this agreement becomes binding as hereinafter provided and to continue up to midnight on March 31, 1989.

2. In addition to the firm power to be supplied pursuant to clause 1 the Commission agrees also to deliver additional power, hereinafter called "supplementary power", to the Company from time to time but only when and in such amounts and for such periods as the Commission is willing to supply and the Company is willing to take it and subject to reduction and/or interruption in whole or in part by the Commission at any and all times and for such duration of time as the Commission in its sole discretion may from time to time will and direct.

3. The Commission agrees to deliver all power hereunder at the junction of the transmission lines from the Calm Lake plant of the Company and the Sturgeon Falls plant of the Company hereinafter called the "point of delivery".

4. The Commission agrees to deliver the firm power as commercially continuous twenty-four (24) hour power every day in the year except as provided in this agreement and to deliver supplementary power pursuant to the provisions of clause 2.

5. If in any month the Company takes power so that the average demand for any twenty (20) consecutive minutes is in excess of ten thousand five hundred horse power (10,500 h.p.) such excess shall be deemed to be supplementary power, except to the extent that such taking is due exclusively to inadvertence, accident, exigencies created by operation of systems in parallel, or other cause reasonably beyond the control of the Company. The taking of such excess shall not thereby constitute an obligation on the part of the Commission to reserve and/or deliver power increased to any extent over its obligations under clause 1 but for such month the Company shall pay for supplementary power as if such excess had been taken for the whole month, but such payment shall not confer upon the Company any right to take such or any excess power free from the restrictions thereon specified in clause 2.

6. All power delivered under this agreement shall be alternating three-phase having a frequency of approximately sixty (60) cycles subject to ordinary variations of approximately five per cent. (5%) and a nominal voltage of approximately one hundred and ten thousand volts (110 kv.) which nominal voltage it is agreed is in magnitude only commercially suitable for the operation in parallel of the Company's system with that of the Commission.

For the purpose of this agreement the word "power" shall mean electrical power and unless the context requires a different meaning shall also mean and include energy.

One horsepower (1 h.p.) shall be equivalent to seven hundred and forty-six Watts (746 W.).

7. (a) The maintenance by the Commission of approximately the agreed voltage at approximately the agreed frequency, at the point of delivery shall constitute the supply of power involved herein.

(b) For the purpose of maintaining suitable parallel operation of the Company's system with that of the Commission, the Company agrees at all times to take and use the power in such manner that the power factor (that is, the ratio of the kilowatts to the kilovolt amperes, determined simultaneously at the point of measurement) shall be not less than ninety per cent (90%); except that such taking, using and operation on the part of the Company shall not at any time obligate or require the Company to supply and deliver reactive kilovolt amperes to the Commission's system.

(c) For the purpose of maintaining suitable parallel operation of the Company's system with that of the Commission the Commission agrees at all times either to maintain and operate the electric generating units at the Moose Lake plant as synchronous condensers or to provide and operate substitute equipment of equal or greater efficiency and to further provide such other equipment or facilities as may be necessary to enable the Commission to fulfill its obligations hereunder in respect of voltage levels.

8. The Company agrees to make all payments to be made to the Commission under this agreement in lawful money of the Dominion of Canada, at Toronto, and to pay in monthly payments to the Commission on the twentieth (20th) day of each month of the calendar for the accrual of the preceding month of the calendar when the Commission shall have rendered the bill therefor on or before the tenth (10th) day, or if the bill be rendered after the tenth (10th) day then ten (10) days after the date of rendering; provided that all payments in arrears after the said date for payment shall bear interest at the rate of five per cent. (5%) per annum.

9. THE COMPANY AGREES:

(a) To pay for firm power delivered to the Company hereunder at the rate of sixteen dollars (\$16) per horsepower per year; and

(b) To pay for supplementary power delivered to the Company hereunder at the following prices and in the following manner, namely:

- (i) From the greatest average amount of power delivered to or taken by the Company for any twenty (20) consecutive minutes in any month as determined from the indications of the Commission's metering equipment hereinafter referred to shall be deducted the ten thousand five hundred (10,500) horsepower of firm power provided for under clause 1 hereof and the balance of such power shall be deemed to be supplementary power. All supplementary power so determined shall be paid for by the Company as regards the first one thousand (1000) horsepower thereof at the rate of nineteen dollars (\$19) per horsepower per year and as regards all such power in excess of the said first one thousand (1000) horsepower at the then prevailing rate at which the Commission is selling electrical power or energy of the same class, characteristics and quality to customers engaged in the manufacture of pulp and paper and taking power from the Commission's Northern Ontario Properties;
- (ii) From the total number of kilowatt-hours delivered to or taken by the Company in any month as indicated on the Commission's metering equipment hereinafter referred to shall be deducted an amount of energy which is equivalent to the said greatest average demand referred to in subclause (b) (i) of this clause 9 calculated at a monthly load factor of 85%, and the balance shall be deemed to be excess energy hereunder, and shall be paid for by the Company at a rate of three and one-half ($3\frac{1}{2}$) mills per kilowatt-hour;

Notwithstanding the provisions of subclauses (b) (i) and (b) (ii) of this clause 9 the Company shall not be obliged in any event to pay to the Commission for firm power more than sixteen dollars (\$16) per horsepower per year plus any excess energy charge payable under the provisions of subclause (b) (ii) of this clause 9.

10. The Company agrees to pay to the Commission during the con-

tinuance of this agreement the sum of two thousand dollars (\$2,000) per annum as a contribution towards the cost to the Commission of maintaining and repairing the transmission line from the Moose Lake plant to the point of delivery, such amount to be paid on or before the 15th day of April in each year commencing with the year 1950.

11. THE COMPANY AGREES:

(a) To take the power covered by this agreement in accordance with the terms hereof and to discontinue or decrease taking supplementary power when required by the Commission to do so, and to prepare for the receipt and use of the said power so as to be able to receive power at the time or times when the Commission is required to deliver the same pursuant to the provisions hereof.

(b) At all times to take and use the electrical power in such manner that the current will be taken from the three phases equally as nearly as practicable, and in any event with the difference between any two phases not greater than five per cent. (5%), and if at any time the difference between any two phases be increasing so as likely to exceed, or should exceed the said five per cent. (5%), to so adjust their load upon instructions from the Commission as to comply with this requirement.

(c) To use at all times suitable standard commercial machinery, plant and works in addition to electrical works and to operate and maintain the said machinery, plant and works so as not to cause more than minimum disturbance to or fluctuation in the Commission's power supply, or facilities used by the Commission to supply power hereunder, and to exercise all due skill and diligence so as to secure the satisfactory operation of the machinery, plant and works of the Company along with the said power supply and facilities.

12. (a) Measurement of all power and energy under this agreement shall be made by means of suitable polyphase recording meters; the measuring equipment, including meters, current and potential transformers and other equipment shall be so arranged as to measure and record the said power and energy with commercial accuracy and shall be provided, installed and maintained commercially correct by the Commission;

(b) The greatest average amount of power delivered to or taken by the Company for any twenty (20) consecutive minutes in any month determined from coincident readings of the said meters, shall be the horsepower demand and a basis for determining the quantity of power delivered to or taken by the Company in the said month;

(c) The point of measuring the power covered by this agreement shall be determined by the parties;

(d) Whenever the said measuring equipment is connected at other than the point of delivery the readings shall be subject to correction and shall be corrected to give results such as would be obtained by instruments connected at the point of delivery. Such corrections shall be based upon tests or calculations by the Commission;

(e) The records from the said meters shall be taken and recorded by the Commission on suitable forms and such records on file with the Commission shall be available to the Company at all reasonable times for inspection and information. The Company shall have the privilege of maintaining upon the Commission's premises at the point of measurement suitable equipment for measuring power hereunder;

(f) The Company if requested by the Commission shall provide free of charge a safe and suitable location at the point of delivery for the installation of the Commission's measuring equipment;

(g) The Commission may test, calibrate, adjust or change said measuring and other equipment or any part thereof at any reasonable time, but when possible the Company shall be advised at least three (3) days in advance of the Commission's intention so to do;

(h) The Company shall have the right to test any such measuring equipment in the presence of a representative of the Commission by giving to the Commission seven (7) days' previous notice in writing of the Company's desire to test such measuring equipment;

(i) The Commission shall repair or replace and retest its defective meters or other measuring equipment within a reasonable time; and if at any time there is no meter in service it shall be assumed that the power consumed is the same as for other days in the same month during which a similar load existed;

(j) Access to any measuring equipment and to any apparatus, equipment and works belonging to one party and on the property of the other party shall be free to the representatives of both parties at any and all times for the purpose of inspection, operation, test, adjustment, repair, alteration, reconstruction and/or removal of their respective apparatus, equipment and works, and the said representatives may do any of these things;

(k) The kilowatts, kilovolt amperes, kilowatt-hours and all other factors and quantities shall be determined directly or indirectly from measuring equipment provided for in this clause 12 and electrical standards as determined by The National Research Council shall be used as final reference in determining the accuracy of measuring equipment, except that in the event of The National Research Council having no facilities available for calibration of any part or parts thereof, then the Commission's standards shall be used as final reference in determining the accuracy of all such part or parts.

13. (a) In case the Commission shall, at any time or times be prevented from delivering said firm power, or any part thereof, by strikes, lockouts, riots, fire, insurrection, hurricane, civil commotion, flood, invasion, explosion, act of God, the King's enemies, order or regulation of the Dominion of Canada, or any other similar cause or causes reasonably beyond its control, then to the extent of such prevention, the Commission shall not be bound to deliver power during such time. The Commission shall be prompt and diligent in removing the cause of such interruption, and as soon as the cause of such interruption is removed, the Commission shall, without any delay, deliver said firm power as aforesaid;

(b) The Commission shall have the right at all reasonable times and when possible after reasonable notice has been given to the Company to discontinue, to the extent deemed necessary by the Commission, the supply of firm power hereunder for the purpose of safeguarding life or property or for the purpose of operation, maintenance, replacement or extension of the apparatus, equipment or works used for the delivery of power hereunder, but all such interruptions shall be of a minimum duration and when possible arranged for at a time least objectionable to the Company; and the Company shall not thereby be released from any obligation under this agreement;

(c) If the Company at any time fails in the performance of any of its obligations affecting electrical operation under this agreement, including without limiting the generality of the foregoing, taking power in excess of the maximum hereunder or taking supplementary power when requested by the Commission not to take such power, the Commission may give notice thereof to the Company by a representative of the Commission and the Company shall immediately remedy the said failure; in case of continued failure, then the Commission may discontinue delivery to the Company of all power or of any part thereof, and shall not be obligated to resume delivery to the Company until the Company shall have given to the Commission sufficient assurance that such failure will not recur; in such case the Company shall not be entitled to any allowance for power not delivered nor be relieved of any obligation under this agreement.

14. The Company hereby grants to the Commission the right and wayleave or easement to use at all times free of cost or rent so much of its lands as may be necessary or expedient to the Commission for the supply of power to the Company, the location thereof to be satisfactory to the Company; the said rights, wayleaves and easements to be for the term of this agreement and thereafter until ninety (90) days' written

notice from the Company to remove the Commission's works shall have been given and shall have expired; if the Company requires relocation of the Commission's works, the Company shall furnish on its lands an equivalent location; the Commission shall do the work of relocation and the Company shall pay the cost up to the extent such works supply power to the Company.

15. One or more representatives or engineers of the Commission appointed for this purpose, may at any reasonable time during the continuance of this agreement, have access to the Company's premises to inspect the works therein for the purposes hereof and to take records therefrom as required hereunder, and may do any of these things.

16. The Company shall assume all risk of and liability for and be responsible for any and all injury, damage and loss to property of the Commission on the premises of the Company or to any other property on the said premises or to any person or persons (including loss of life) on the said premises, other than employees of the Commission, which shall have been due to power under this agreement, or due to the said Commission property, save to the extent that same shall have been due to the negligence or default of the Commission; the Company shall indemnify the Commission and save it harmless from all such injury, damage or loss and all actions, suits, claims, costs, charges and expenses in connection therewith.

17. If after termination of this agreement power be taken by the Company from the Commission without a new agreement, such power shall be delivered, taken and paid for in accordance with the provisions set out in this agreement, provided that such power should be paid for at a rate to be agreed upon on the following conditions; such delivery shall not be deemed to renew or extend this agreement or to give the Company any claim or right to power or to place any obligation or liability on the Commission and the Commission may discontinue delivery of such power at any time without notice, and the Commission shall be under no obligation or liability to the Company, and the Company shall not be obliged to take power after the termination of this agreement.

18. Any waiver by any party or failure by it to exercise its rights or enforce any of its remedies hereunder shall be limited to the particular instance and shall not operate or be deemed to waive any other right or remedy or extend to any other matter under this agreement, or in any other way affect the validity of this agreement or estop such party from pursuing any other remedy it may have and all rights and remedies of either party may be exercised and continued concurrently or separately.

19. In case any disagreement, dispute, difference or question shall at any time hereafter arise between the Commission and the Company in respect to the construction of this agreement or concerning anything herein contained or hereby provided for or arising herefrom or as to the rights, liabilities or duties of the Commission and the Company or either of them, the same shall forthwith be referred to arbitration under *The Arbitration Act* of the Province of Ontario and shall be determined in accordance with and subject to the provisions of *The Arbitration Act* of the Province of Ontario, or any statutory modification or re-enactment thereof for the time being in force, and shall be determined in accordance with the laws of the Province of Ontario and when possible in a summary manner. The findings of the arbitrator or arbitrators shall be final and binding upon the Commission and the Company respectively, except that either of them may appeal from, move to set aside, vary or refer back any award as provided in the said *The Arbitration Act*, and that the right of appeal to the Supreme Court of Canada and to the Privy Council shall not be limited; no such disagreement, dispute, difference or question shall entitle the Commission (pending the determination of the dispute by arbitration as aforesaid) to withhold delivery of firm power.

20. Wherever in this agreement it is provided that notice may be given by either party to the other, such notice shall be in writing, shall be signed by the party giving such notice, and if such party is a corporation, by an officer thereof, and shall be deemed given to the party to whom such notice is directed when delivered at the address of such

party given below, and a copy thereof shall have been forwarded by registered mail addressed to the party to whom such notice is directed; until otherwise directed in writing by the respective parties, notices to the Company shall be addressed as follows:

The Ontario-Minnesota Pulp and Paper Company Limited,
500 Baker Arcade Building,
Minneapolis, Minnesota

and notices to the Commission shall be addressed as follows:

The Hydro-Electric Power Commission of Ontario,
620 University Avenue,
Toronto, Ontario

provided that the provisions of the within clause shall not apply to the notice referred to in clauses 12 (h) and 13 (c) hereof.

21. This agreement shall not become binding upon the parties unless and until an Act of the Legislature of the Province of Ontario shall be passed at the present session of the Legislature confirming and validating this agreement and certain other agreements of even date herewith short particulars of which are as follows:

- (a) Water Power Lease No. 115 granted by His Majesty the King in right of Ontario to The Ontario-Minnesota Pulp and Paper Company Limited relating to the leasing of certain water power sites and other matters as therein provided;
- (b) Agreement between The Hydro-Electric Power Commission of Ontario, The Ontario-Minnesota Pulp and Paper Company Limited and His Majesty the King in right of Ontario relating to the maintenance and operation of certain dams and of the Seine Diversion and other matters as therein provided;
- (c) Agreement between The Ontario-Minnesota Pulp and Paper Company Limited and The Hydro-Electric Power Commission of Ontario relating to the sale of the Moose Lake plant and certain other assets by The Ontario-Minnesota Pulp and Paper Company Limited to The Hydro-Electric Power Commission of Ontario and other matters as therein provided; and
- (d) Agreement between The Hydro-Electric Power Commission of Ontario and Steep Rock Iron Mines Limited relating to the construction of a dam and other matters as therein provided;

—and the said Act has been proclaimed whereupon this agreement shall be binding and shall have effect in accordance with its terms.

Provided that when this agreement shall have become binding in accordance with the foregoing provision it shall remain in force for the period during which the Commission is required to deliver power under the provisions hereof.

22. This agreement shall extend to, be binding upon and enure to the benefit of the parties hereto and their successors and assigns respectively.

IN WITNESS WHEREOF the parties hereto have caused this agreement to be executed, attested by the affixing of their corporate seals and by the signatures of their proper officers.

THE HYDRO-ELECTRIC POWER COMMISSION
OF ONTARIO

By ROBERT H. SAUNDERS
Chairman (Seal)
E. B. EASSON
Secretary

THE ONTARIO-MINNESOTA PULP AND PAPER
COMPANY LIMITED

By DONALD D. DAVIS
President (Seal)
R. D. MAIN
Secretary

SCHEDULE C

THIS AGREEMENT made in triplicate the 15th day of March, 1949,

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO
(hereinafter called "the Commission")

OF THE FIRST PART

THE ONTARIO-MINNESOTA PULP AND PAPER COMPANY
LIMITED (hereinafter called "the Company")

OF THE SECOND PART

—and—

HIS MAJESTY THE KING IN RIGHT OF ONTARIO, represented by the Minister of Lands and Forests (hereinafter called "the Crown")

OF THE THIRD PART

WHEREAS The Seine River Improvement Company Limited (hereinafter called the "Seine River Company") developed and utilized the water privileges situate on premises demised to the Seine River Company under a lease (hereinafter called "Water Power Lease No. 28") granted by the Crown and dated the 29th day of April, 1927 and in connection with such development and utilization constructed three hydro-electric plants commonly known as the Moose Lake, Calm Lake and Sturgeon Falls Plants along the course of the Seine River;

AND WHEREAS Steep Rock Iron Mines Limited, a company incorporated under the laws of the Province of Ontario, in connection with the development and operation of mining properties in the vicinity of the Moose Lake Plant desired to and did construct certain works (hereinafter referred to as "the Seine Diversion") so as to divert the natural flow of the Seine River through the Seine Diversion thereby rendering it impracticable to operate the Moose Lake Plant;

AND WHEREAS by an Act of the Legislature of Ontario, *The Steep Rock Iron Ore Development Act, 1942*, certain agreements were ratified and confirmed and declared to be legal and binding upon the parties thereto, their successors and assigns;

AND WHEREAS the Company acquired the entire undertaking, business, property and assets of the Seine River Company and the Seine River Company assigned Water Power Lease No. 28 to the Company in the year 1942 and the Seine River Company has since been dissolved;

AND WHEREAS the Company has since the assignment to it of Water Power Lease No. 28 continued to develop and utilize the said water privilege to the full extent of the capacity thereof having regard to the impracticability as aforesaid of operating the Moose Lake Plant;

AND WHEREAS the Company has agreed to sell the Moose Lake Plant and certain other assets to the Commission on the terms of an agreement of sale and purchase of even date herewith between the Company and the Commission;

AND WHEREAS by Water Power Lease No. 115 of even date herewith granted by the Crown of the one part to the Company of the other part, among other things the Crown has leased to the Company the water power sites upon which the Calm Lake Plant and the Sturgeon Falls Plant are situated for a period terminating March 31, 1989 upon the terms and conditions therein set out;

AND WHEREAS by agreement of even date herewith between the Commission and the Company (hereinafter called "the 1949 Power Contract") the Commission has agreed to supply power to the Company on the terms and conditions therein set out;

AND WHEREAS the Company is dependent for the successful operation of the Calm Lake Plant and the Sturgeon Falls Plant on the regular and uninterrupted flow of water to the Calm Lake Plant and the Sturgeon Falls Plant;

AND WHEREAS the parties have agreed that the foregoing recitals shall be conclusively deemed to be correct and shall not be open to question by any of them as evidenced by their execution of this agreement;

NOW THEREFORE in consideration of the premises and the mutual and respective covenants and agreements of the parties, the parties hereby covenant, promise and agree as follows:

1. The Commission agrees that it will during the period commencing on the date upon which this agreement becomes binding as hereinafter provided and ending on March 31, 1989 (hereinafter called "the operative period") without expense to the Company comply with the reasonable requirements of the Company with respect to the storage of water in and the flow of water from Moose Lake so that the plants of the Company at Calm Lake and Sturgeon Falls may be operated substantially as the same have heretofore been operated and in particular and without restricting the generality of the foregoing that it will during the operative period without expense to the Company for the purpose aforesaid

- (a) maintain and operate adequate dams for the storage of water in Moose Lake and for the control of the flow of water from Moose Lake;
- (b) so long as and at any time when the natural flow of the Seine River is diverted through the Seine Diversion as now or hereafter constituted maintain and operate the Seine Diversion as now or hereafter constituted; and
- (c) if the natural flow of the Seine River through Steep Rock Lake is restored cause the Seine Diversion to be and remain closed.

2. The Commission agrees that if at any time during the operative period the natural flow of the Seine River through Steep Rock Lake is being restored then so long as the flow of water through the Calm Lake Plant or the Sturgeon Falls Plant of the Company is thereby affected the Commission shall furnish to the Company at the point of delivery provided for in the 1949 Power Contract without cost to the Company and in the manner in which firm power is delivered to the Company under the 1949 Power Contract such amount of power as together with the quantity of power from time to time available from the Calm Lake Plant and the Sturgeon Falls Plant will be equal to the total amount of power which would have been available from the Calm Lake Plant and the Sturgeon Falls Plant had undisturbed conditions continued.

3. The Commission assumes to the exoneration of the Company, its successors and assigns all liability for claims or suits of every character by whomsoever asserted, arising or growing out of or based upon any escape of water from Moose Lake or due to any insufficiencies of dams or works on Moose Lake and/or relating to the Seine Diversion and the manner in which the same are maintained and operated during the operative period. The Commission further agrees that it will at its own expense hold the Company or its successors and assigns harmless against any and all claims or suits of every character by whomsoever asserted based upon an escape of water as aforesaid or due to any insufficiencies of dams or works on Moose Lake and/or relating to the Seine Diversion and the manner in which the same are maintained and operated during the operative period.

4. The Crown hereby assents to the provisions of this agreement. The Crown shall from time to time in respect of unalienated public lands

give such consents, authorizations, grants, licences and privileges as will enable the Commission to comply with its obligations under this agreement.

5. This agreement shall not become binding upon the parties unless and until an Act of the Legislature of the Province of Ontario shall be passed at the present session of the Legislature confirming and validating this agreement and certain other agreements of even date herewith short particulars of which are as follows:

- (a) Water Power Lease No. 115 granted by His Majesty the King in right of Ontario to The Ontario-Minnesota Pulp and Paper Company Limited relating to the leasing of certain water power sites and other matters as therein provided;
- (b) Agreement between The Hydro-Electric Power Commission of Ontario and The Ontario-Minnesota Pulp and Paper Company Limited relating to the supply of power to The Ontario-Minnesota Pulp and Paper Company Limited and other matters as therein provided;
- (c) Agreement between The Hydro-Electric Power Commission of Ontario and The Ontario-Minnesota Pulp and Paper Company Limited relating to the sale of the Moose Lake Plant and certain other assets by The Ontario-Minnesota Pulp and Paper Company Limited to The Hydro-Electric Power Commission of Ontario and other matters as therein provided;
- (d) Agreement between The Hydro-Electric Power Commission of Ontario and Steep Rock Iron Mines Limited relating to the construction of a dam and other matters as therein provided;

—and the said Act has been proclaimed whereupon this agreement shall be binding and shall have effect in accordance with its terms.

6. This agreement shall extend to, be binding upon and enure to the benefit of the parties hereto and their successors and assigns respectively.

IN WITNESS WHEREOF the parties hereto have caused this agreement to be executed.

THE HYDRO-ELECTRIC POWER COMMISSION
OF ONTARIO

By ROBERT H. SAUNDERS
Chairman (Seal)
E. B. EASSON
Secretary

THE ONTARIO-MINNESOTA PULP AND PAPER
COMPANY LIMITED

By DONALD D. DAVIS
President (Seal)
R. D. MAIN
Secretary
H. R. SCOTT
Minister of Lands and Forests
(Seal)

SCHEDULE D

THIS AGREEMENT made in triplicate the 15th day of March, 1949.

BETWEEN:

THE ONTARIO-MINNESOTA PULP AND PAPER COMPANY
LIMITED (hereinafter called "the Company")

OF THE ONE PART

—and—

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO
(hereinafter called "the Commission")

OF THE OTHER PART

WHEREAS the Commission has agreed to buy from the Company and the Company has agreed to sell to the Commission certain assets of the Company hereinafter specified on the terms and conditions hereof;

NOW THIS AGREEMENT WITNESSETH that in consideration of the mutual covenants and agreements hereinafter contained it is hereby agreed as follows:

1. The Company agrees to sell and the Commission agrees to buy all the right title and interest of the Company in and to

- (a) the hydro-electric power plant (hereinafter called "the Moose Lake Plant") situate on the Moose Lake power site location which location is described as Parcel 3 in a certain instrument bearing date the 29th day of April, 1927 (hereinafter called "Water Power Lease No. 28") whereby His Majesty the King demised and leased unto The Seine River Improvement Company, Limited certain parcels or tracts of land and land covered with water situate lying and being on the Seine River in the District of Rainy River in the Province of Ontario;
- (b) all buildings, erections, equipment, tools, supplies and caretakers' houses situate on the Moose Lake power site location but excluding boats and household furnishings and personal effects within caretakers' houses; and
- (c) the transmission line running from the Moose Lake Plant to the point of junction of the transmission lines from the Calm Lake Power Plant of the Company and the Sturgeon Falls Power Plant of the Company and the property over which such first mentioned transmission line extends.

2. The price payable by the Commission for the assets herein agreed to be sold and purchased shall be the sum of one million, nine hundred and fifty-six thousand dollars (\$1,956,000) payable in cash or by certified cheque on the delivery of the instruments to be delivered by the Company as specified in paragraph 4 hereof. Such delivery and payments shall be made on the day when this agreement becomes binding as hereinafter provided.

3. The Commission agrees that the Company's title to the said assets is satisfactory. It is expressly understood and agreed that Water Power Lease No. 28, License of Occupation No. 1559 presently held by the Company, License of Occupation No. 1560 presently held by the Company, and License of Occupation No. 6094, as amended, presently held by the Company shall be deemed to be terminated upon the completion of the sale and purchase herein provided for and that accordingly neither the said Water Power Lease nor the said Licenses of Occupation nor any of them nor any interest of the Company thereunder nor any interest of the Company in Crown lands nor any right of the Company to flood Crown

lands is included or to be deemed to be included in the assets herein agreed to be sold and purchased. Notwithstanding anything herein contained the Company shall not be required to obtain the consent of any person, firm, corporation, government or governmental authority or agency to the sale or assignment of the said assets or any of them, and the Company makes no representation as to the assignability of its right, title and interest in and to the said assets or any of them.

4. At the time of such payment the Company shall deliver to the Commission four certain transfers, a certain quit claim deed, a certain general conveyance and a certain bill of sale, duly executed by the Company, and a certain release, duly executed by Montreal Trust Company, the form and terms of which instruments have been settled and approved on behalf of the parties and copies of which instruments have been initialled on behalf of the parties for identification.

5. This agreement shall not become binding on the parties unless and until an Act of the Legislature of the Province of Ontario shall be passed at the present session of the Legislature confirming and validating this agreement and certain other agreements of even date herewith, short particulars of which are as follows:

- (a) Water Power Lease No. 115 granted by His Majesty the King in right of Ontario to The Ontario-Minnesota Pulp and Paper Company Limited relating to the leasing of certain water power sites and other matters as therein provided;
- (b) Agreement between The Hydro-Electric Power Commission of Ontario and The Ontario-Minnesota Pulp and Paper Company Limited relating to the supply of power to The Ontario-Minnesota Pulp and Paper Company Limited and other matters as therein provided;
- (c) Agreement between The Hydro-Electric Power Commission of Ontario, The Ontario-Minnesota Pulp and Paper Company Limited and His Majesty the King in right of Ontario relating to the maintenance and operation of certain dams and of the Seine Diversion and other matters as therein provided;
- (d) Agreement between The Hydro-Electric Power Commission of Ontario and Steep Rock Iron Mines Limited relating to the construction of a dam and other matters as therein provided;

—and the said Act has been proclaimed whereupon this agreement shall be binding and shall have effect in accordance with its terms.

IN WITNESS WHEREOF the parties have caused this agreement to be executed attested by the affixing of their corporate seals and by the signatures of their proper officers.

THE ONTARIO-MINNESOTA PULP AND PAPER
COMPANY LIMITED

By DONALD D. DAVIS
President (Seal)

R. D. MAIN
Secretary

THE HYDRO-ELECTRIC POWER COMMISSION
OF ONTARIO

By ROBERT H. SAUNDERS
Chairman (Seal)

E. B. EASSON
Secretary

SCHEDULE E

THIS AGREEMENT made in duplicate this 15th day of March, 1949.

BETWEEN:

THE HYDRO-ELECTRIC POWER COMMISSION OF ONTARIO,
hereinafter called the "Commission"

OF THE FIRST PART;

—and—

STEEP ROCK IRON MINES LIMITED, hereinafter called
the "Company"

OF THE SECOND PART.

WHEREAS by an Act of the Legislature of Ontario cited as *The Steep Rock Iron Ore Development Act, 1942*, certain agreements were ratified and confirmed and declared to be legal and binding upon the parties thereto, their successors and assigns, including an agreement (therein and hereinafter called the Steep Rock Power Agreement) between the parties hereto, and an agreement (therein and hereinafter called the Supplementary Agreement) between the parties hereto;

AND WHEREAS by an Act of the Legislature of Ontario cited as *The Steep Rock Iron Ore Development Act, 1943*, a further agreement, amending said Steep Rock Power Agreement and the Supplementary Agreement, was ratified, confirmed and declared to be legal and binding upon the parties hereto;

AND WHEREAS The Ontario-Minnesota Pulp and Paper Company Limited (hereinafter called O-M Company) has entered into or is about to enter into a contract of even date with the Commission providing for the purchase by the Commission from O-M Company of the Hydro-Electric Power Plant situate on the Moose Lake Power site location, and other assets, at a price of \$1,956,000.00, such purchase being in pursuance of a plan to relieve the Company from future obligations to the Commission under the Supplementary Agreement;

AND WHEREAS it has been agreed between the parties hereto that upon completion of the sale of the Moose Lake plant to the Commission, the said Steep Rock Power Agreement and the Supplementary Agreement, both as amended, shall terminate as of March 31st, 1949;

AND WHEREAS as incidental to said sale and purchase of the Moose Lake plant it has been agreed that this agreement should be entered into;

AND WHEREAS it is desirable that certain additional protective works be undertaken, as hereinafter provided;

AND WHEREAS by a contract of even date between the Commission and the O-M Company, the Commission has agreed to maintain and operate the Seine Diversion referred to in certain agreements ratified by *The Steep Rock Iron Ore Development Act, 1942*, and whereas this obligation was assumed by the Commission to further the interest of the Company and facilitate its operations and the Company has agreed to reimburse the Commission for all cost and expense arising therefrom and indemnify and save it harmless against all liability, claims and demands arising therefrom, and with a view to minimizing such costs and expense the Company has requested the Commission to permit the Company to perform whatever is necessary to operate the said diversion.

NOW THIS AGREEMENT WITNESSETH that in consideration of the premises and for other good and valuable consideration, it is agreed between the Commission and the Company as follows:

1. The Steep Rock Power Agreement and the Supplementary Agreement, both as amended, shall terminate as of March 31st, 1949, except as regards the unsatisfied liability (if any) of the Company to the Commission under the said agreements, as amended, which unsatisfied liability (if any) shall continued in force and effect until discharged by payment thereof.

2. By way of reimbursement for the said purchase price of \$1,956,000.00 to be paid by the Commission to O-M Company, and interest calculated in respect thereof at the rate of 3% per annum, the Company will pay to the Commission on the first day of November in each year, commencing with November 1st, 1950, and continuing up to and including November 1st, 1989, the annual sum of \$86,102.07, unless prior to November 1st, 1989 the normal waterflow in the Seine River through Steep Rock Lake shall have been restored, as in paragraph 3 hereof provided, whereupon the annual payments shall cease.

3. If at any time the Company shall default in making any payment herein provided, and if such default shall continue for a period of two months after the Commission shall have given notice to the Company requiring that such default be remedied on or before a date specified in the said notice, the Commission may and the Company hereby grants to the Commission the right to restore the normal waterflow in the Seine River through Steep Rock Lake and to enter upon the Company's lands and premises for that purpose and remove and/or destroy such of the Company's works and properties as may be necessary for that purpose and/or to construct such works and perform such operations upon the Company's lands and premises as are necessary for that purpose, and the Company agrees that it will make no claim or demand against the Commission in respect of anything relating to or arising therefrom and will indemnify and save harmless the Commission from all claims and demands of other persons arising therefrom.

The Company will obtain such title to such lands as is necessary to enable the Commission to effect the restoration of the said normal waterflow and will continue to hold such title during the full term of this agreement.

4. If and when required by the Company to do so, the Commission will construct or cause to be constructed for the Company, above or adjacent to the present Moose Lake power plant dams, suitable supplementary or additional protective works designed to prevent or insure against the escape of water from Moose Lake into the area previously occupied by Steep Rock Lake and of a type and size, according to specifications and at a location determined by the Company, provided that the Commission shall not be required to undertake the construction of any works to the extent that the cost thereof shall exceed an aggregate amount of \$300,000.00.

By way of reimbursement for any moneys so expended by the Commission, and interest calculated in respect thereof at the rate of 3¾% per annum, the Company will pay to the Commission on the first day of November in each year after the completion of the works referred to in the immediately preceding paragraph an annual sum in such amount as shall provide for the amortization by November 1st, 1989, of the cost of constructing the said works and interest at 3¾% per annum.

Notwithstanding anything else herein contained the Commission shall not be obliged to undertake the construction of any works in the nature of or relating to any diversion of water from Moose Lake, save to insure against the escape of water into the area previously occupied by Steep Rock Lake, as provided in the first paragraph of this Clause 4.

5. The Company will assign, transfer and convey to the Commission all its rights and title to or in connection with the control works located at Raft Lake and the cuts or canals from Moose Lake to Raft Lake and from Raft Lake to Finlayson Lake and any and all its interest, right or title in any other lands or water necessary or convenient for the control of the flow of water from Moose Lake. If it is necessary for the control of the flow of water from Moose Lake for the Commission to acquire any lands, water or interest or right therein from any person other than the Company or the Crown, the cost thereof shall be reimbursed to the Commission by the Company.

6. The Commission at the expense of the Company, will at all times keep the said cuts or canals and the Esker Cut at the south end of Finlayson Lake in such condition as to permit an uninterrupted flow of water from Moose Lake to Finlayson Lake, and will endeavour at all times to

so cause the control works at Raft Lake to be operated that the level of waters above the Raft Lake control works, shall not be raised beyond the 1365 foot level. Should the Commission at any time or times fail to keep said cuts or canals in condition to permit such uninterrupted flow of water, or fail to cause such control works to be so operated that the 1365 foot level shall not be exceeded, the Company shall have the right to enter upon the said lands and works controlled by the Commission and to do what shall be necessary to remedy such failure and to implement the provisions of this paragraph.

7. The Commission hereby engages the Company to operate the said control works at Raft Lake and any other control works which are necessary to enable the Commission to control the flow of water from Moose Lake, and the Company in consideration of the premises, agrees to do so without further remuneration. The Company will, at its own expense and without charge to the Commission, operate the said control works in such manner as to implement the Commission's obligations in that regard under its said contract with the O-M Company. In the event of the Commission being obliged to incur any cost or expense arising from the maintenance and operation of the Seine Diversion as now or hereafter made by the Company, the Company will reimburse the Commission therefor.

8. The Company hereby exonerates and releases the Commission of and from all liability and obligation for loss or damage of any character which the Company or any successor or assign of the Company or any person, firm or corporation claiming through or under the Company may suffer or sustain, arising or growing out of or based upon any escape of water from Moose Lake, and will indemnify and save harmless the Commission from all liability to or claims and demands of other parties arising therefrom. The Company will not permit or suffer any buildings or erections to be constructed or maintained within what was formerly the basin of Steep Rock Lake, except such buildings or erections as might be necessary for its own operation, and will not permit the presence of persons or property in such basin, except subject to the condition that the Commission shall not be liable for loss of or damage or injury to such person or property by reason of such escape of water.

9. This agreement shall not become binding upon the parties hereto unless and until an Act of Legislature of the Province of Ontario shall have been passed at the present session of the Legislature validating this agreement and terminating the agreements set out in Schedules A, B, C and D to *The Steep Rock Iron Ore Development Act, 1942*, and amendments thereto, except as regards the obligations of Steep Rock Iron Mines Limited contained in paragraph 7 of the agreement set out in the said Schedule D in respect of any claim based on any escape of water arising prior to the time of such termination, and shall have been given Royal Assent and been brought into force prior to April 15th, 1949, whereupon this agreement shall be binding and shall have effect in accordance with its terms.

IN WITNESS WHEREOF the Company and the Commission have caused this agreement to be executed, attested by the affixing of their corporate seals and by the signatures of their proper officers duly authorized thereto.

THE HYDRO-ELECTRIC POWER COMMISSION
OF ONTARIO

ROBERT H. SAUNDERS
Chairman (Seal)
E. B. EASSON
Secretary

STEEP ROCK IRON MINES LIMITED

D. M. HOGARTH
President (Seal)
BLANCHE CARD
Asst. Secretary

CHAPTER 98.

An Act to amend The Succession Duty Act, 1939.

*Assented to April 1st, 1949.**Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 4 of *The Succession Duty Act, 1939* is amended by adding thereto the following subsection:

1939, 2nd
Sess.,
c. 1, s. 4,
amended.
- (3) Notwithstanding anything contained in this section, clauses *a*, *b*, *c* and *d* of subsection 1 in so far as they apply to religious organizations shall apply to such organizations as if the word "Canada" were substituted for the word "Ontario" wherever it appears in such clauses.

"Canada"
substituted
for "On-
tario"—
religious
organiza-
tions.
2. Clause *a* of subsection 1 of section 6 of *The Succession Duty Act, 1939* is repealed.

1939, 2nd
Sess., c. 1,
s. 6, subs. 1,
cl. *a*,
repealed.
- 3.—(1) Subsection 2 of section 15 of *The Succession Duty Act, 1939* is repealed and the following substituted therefor:

1939, 2nd
Sess., c. 1,
s. 15, subs. 2,
re-enacted.
- (2) Where any annuity, term of years, life estate or income is created by the will of the deceased or by any disposition, the duty for which any person who benefits by such annuity, term of years, life estate or income is liable with respect thereto shall, unless otherwise provided herein, be paid in a number of equal annual instalments equal to,—

Annuities,
etc.

 - (a) the number of years,
 - (i) of expectancy of life of such person, ascertained as provided in subsection 4 of section 2, or
 - (ii) for which such annuity, term of years or income is to run,
 - as the case may be; or
 - (b) ten,

whichever is the lesser, and such instalments shall commence one year after the death of the deceased

1939, 2nd
Sess., c. 1,
s. 15, subs. 7,
re-enacted.

(2) Subsection 7 of the said section 15 is repealed and the following substituted therefor:

Annuities,
etc.

(7) Where any interest in expectancy is an annuity, term of years, life estate or income, the duty for which any person who benefits by such interest in expectancy is liable with respect thereto, shall, if not sooner paid, be paid in a number of equal annual instalments equal to,—

(a) the number of years,

(i) of expectancy of life of such person ascertained as provided in subsection 4 of section 2, or

(ii) for which such annuity, term of years or income is to run,

as the case may be; or

(b) ten,

whichever is the lesser, and such instalments shall commence one year after the date when such annuity, term of years, life estate or income commences to be enjoyed.

Commence-
ment of Act.

4. This Act shall come into force on the 1st day of April, 1949.

Short title.

5. This Act may be cited as *The Succession Duty Amendment Act, 1949*.

CHAPTER 99.

An Act to amend The Summary Convictions Act.

Assented to March 9th, 1949.
Session Prorogued April 8th, 1949.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 3 of *The Summary Convictions Act* is repealed and the following substituted therefor:

Rev. Stat.,
c. 136, s. 3,
subs. 1, re-
enacted.

- (1) Except where inconsistent with this Act, Part XV and sections 1028, 1029, 1035A, 1054, 1055, 1121, 1124, 1125, 1131 and 1142 of the *Criminal Code* (Canada) as amended or re-enacted from time to time, shall apply *mutatis mutandis* to every case to which this Act applies as if the provisions thereof were enacted in and formed part of this Act.

Application
of *Criminal*
Code.

2. Sections 3a and 3b of *The Summary Convictions Act*, as enacted by section 1 of *The Summary Convictions Amendment Act, 1942*, are repealed and the following substituted therefor:

Rev. Stat.,
c. 136, s. 3a
(1942, c. 36,
s. 1), re-
enacted;
s. 3b,
repealed.

- 3a.—(1) Except as provided in subsection 9 every summons issued for a violation of any of the provisions of any Act of this Legislature or of any regulation or order made thereunder or of any municipal or other by-law shall be served either by sending it by prepaid post to the person summoned as hereinafter provided or by personal service as hereinafter provided.

Service by
mail or
personal
service.

- (2) Every summons sent by prepaid post shall be addressed,—

Address

- (a) where the person summoned is not a corporation, to his last or usual place of abode; and
- (b) where the person summoned is a corporation, to the chief place of business or office or a branch of the corporation; or
- (c) where the person summoned is the holder of a license or permit issued from the Department of Highways, to the address registered with the Department.

Non-
appearance
of person
summoned.

- (3) Except as provided in subsection 6, a summons sent by prepaid post shall have endorsed upon its face in bold-face type a notice that if the person summoned does not appear in person or by counsel or other representative at the time and place indicated in the summons, the summons will be served,—

(a) where the person summoned is not a corporation, by personal service or by leaving it at his place of abode, or in the case of the holder of a license or permit issued from the Department of Highways, at the address registered with the Department; and

(b) where the person summoned is a corporation, by serving it upon the mayor, president or other head or the clerk, secretary or like officer of the corporation or the chief officer of a branch thereof, or by leaving it at the chief place of business or office or a branch of the corporation, or where it holds a license or permit issued from the Department of Highways, at the address registered with the Department,

and that in the event of a conviction, the person summoned may be required to pay the cost of such service.

When
deemed not
service.

- (4) Except as provided in subsection 6 a summons sent by prepaid post shall be deemed not to have been served unless the person summoned appears in person or by his counsel or other representative at the time and place named in the summons.

Time for
service for
violation of
Rev. Stat.,
c. 288.

- (5) Every summons issued for a violation of any of the provisions of *The Highway Traffic Act* shall be served by sending it by prepaid post or by personal service within ten days of the alleged violation.

Service
outside
Ontario for
violations of
Rev. Stat.,
c. 288.

- (6) Where a summons is issued for a violation of any of the provisions of *The Highway Traffic Act* against a person who resides outside of Ontario, whether within or without Canada, the summons shall be deemed to have been duly served when it has been sent by prepaid post to the last or usual place of abode of the person summoned and every such summons shall have endorsed upon its face in bold-face type a notice as follows: "Take notice that the within summons has been issued against you for the offence indicated therein and is served by post

upon a non-resident of Ontario in accordance with the provisions of *The Summary Convictions Act*. If you do not appear in person or by counsel or other representative to make your defence at the time and place indicated in the summons, the charge will be proceeded with in your absence."

- (7) Every summons not sent by prepaid post shall be served,— Personal service.
- (a) where the person summoned is not a corporation, by personal service or by leaving it for the person summoned at his last or usual place of abode, with an inmate thereof apparently not under the age of sixteen years, or where he holds a license or permit issued from the Department of Highways, at the address registered with the Department, with an inmate thereof apparently not under the age of sixteen years; or
- (b) where the person summoned is a corporation, by serving it upon the mayor, president or other head or the clerk, secretary or like officer of the corporation or the chief officer of a branch thereof, and if any of such persons cannot conveniently be met with, by leaving it at the chief place of business, or office or a branch of the corporation, with an employee of the corporation apparently not under sixteen years of age, or where it holds a license or permit issued from the Department of Highways, at the address registered with the Department, with an employee of the corporation apparently not under sixteen years of age.
- (8) Where a summons sent by prepaid post is deemed not to have been served another summons shall be issued and served in the manner prescribed by subsection 7. Where mailed summons deemed not served.
- (9) Where a summons issued under subsection 8 is for a violation of any of the provisions of *The Highway Traffic Act* it shall be served within ten days of the date on which the person is required to appear by the original summons. Time for service of further summons for violation of Rev. Stat., c. 288.
- (10) The time for serving a summons under subsection 5 or 9 may be extended at any time by a magistrate on sufficient evidence being adduced that the person Extension of time for service.

named in the summons could not be served within the prescribed time.

Proof of
sending.

(11) The sending of a summons by prepaid post may be proved by the affidavit of the person who posted the summons and the affidavit shall state,—

(a) the place, date and time of posting;

(b) the name of the person and the address to which the summons was sent; and

(c) that such address is,

(i) to the best of the knowledge and belief of the deponent, the last or usual place of abode of the person summoned, or

(ii) where the person summoned is a corporation, the chief place of business or office or a branch of the corporation, or

(iii) registered with the Department of Highways as being the address of the person summoned, according to information received from the Department,

and every such affidavit shall be *prima facie* evidence of the facts stated therein.

Rev. Stat.,
c. 136, s. 16,
repealed.

3. Section 16 of *The Summary Convictions Act* is repealed.

Rev. Stat.,
c. 136,
Sched. A,
repealed.

4. Schedule A to *The Summary Convictions Act* is repealed.

Short title.

5. This Act may be cited as *The Summary Convictions Amendment Act, 1949*.

CHAPTER 100.

An Act for granting to His Majesty certain sums of money for the Public Service of the financial year ending the 31st day of March, 1950.

*Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.*

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by message from the Honourable Preamble.
Ray Lawson, Lieutenant-Governor of the Province of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the schedule to this Act are required to defray certain expenses of the public service of this Province, not otherwise provided for, for the financial year ending the 31st day of March, 1950, and for other purposes connected with the public service; May it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1. From and out of the Consolidated Revenue Fund of this Province, there may be paid and applied a sum not exceeding in the whole one hundred and seventy-nine million, one hundred and thirty-nine thousand, eight hundred and eleven dollars towards defraying the several charges and expenses of the public service of this Province, not otherwise provided for, from the 1st day of April, 1949, to the 31st day of March, 1950, as set forth in schedule A to this Act, and such sum shall be paid and applied only in accordance with the votes and items of the estimates upon which such schedule is based. \$179,139,-
\$11.00
granted for
fiscal year
1949-50.

2. Accounts in detail of all moneys received on account of this Province during the financial year 1949-50 and of all expenditures under schedule A of this Act shall be laid before the Legislative Assembly at the first sitting after the 31st day of December, 1949. Accounts
to be laid
before
Assembly.

3. Any part of the money under schedule A appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the 31st day of March, 1950, shall not be expended thereafter, except in the payment of accounts and Appropriations for
1949-50
unexpended
to lapse.

Rev. Stat.,
c. 24.

expenses incurred on or prior to the said day; and all balances remaining unexpended after the said date or at such subsequent date as may be fixed by the Lieutenant-Governor in Council under the provisions of *The Audit Act* shall lapse and be written off.

Accounting
for expendi-
ture.

4. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to His Majesty.

Commence-
ment of Act.

5. This Act shall come into force on the day it receives the Royal Assent.

Short title.

6. This Act may be cited as *The Supply Act, 1949*.

SCHEDULE A

Sums granted to His Majesty by this Act for the financial year ending on the thirty-first day of March, one thousand nine hundred and fifty to defray expenses of:

Agriculture Department.....	\$ 8,142,267 .00
Attorney-General's Department.....	6,967,465 .00
Education Department.....	46,966,800 .00
Health Department.....	24,069,050 .00
Highways Department.....	3,055,300 .00
Insurance Department.....	109,700 .00
Labour Department.....	6,453,262 .00
Lands and Forests Department.....	14,835,600 .00
Lieutenant-Governor's Office.....	14,500 .00
Mines Department.....	846,700 .00
Municipal Affairs Department.....	1,360,825 .00
Planning and Development Department....	1,057,415 .00
Prime Minister's Office.....	41,650 .00
Provincial Auditor's Office.....	201,000 .00
Provincial Secretary's Department.....	900,025 .00
Provincial Treasurer's Department.....	3,009,250 .00
Public Welfare Department.....	42,508,552 .00
Public Works Department.....	11,425,000 .00
Reform Institutions Department.....	6,335,900 .00
Travel and Publicity Department.....	589,550 .00
Miscellaneous.....	250,000 .00

Total estimates for expenditure of 1949-

1950.....\$179,139,811.00

CHAPTER 101.

An Act to amend The Teachers' Boards of Reference Act, 1946.

*Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 1 of section 4 of *The Teachers' Boards of Reference Act, 1946* is amended by striking out the words "for a period not exceeding one year" in the second and third lines, so that the clause shall read as follows:

- (a) direct the continuance in force of the contract of employment between the board and the teacher; or

.

2.—(1) Section 8 of *The Teachers' Boards of Reference Act, 1946*, is amended by striking out the words "for a period of one year or for such lesser period as the board of reference has recommended or as the Minister deems advisable" in the fourth, fifth and sixth lines, so that subsection 1 of the section shall read as follows:

- (1) Where the report of the board of reference recommends the continuance in force of the contract of employment between the board and teacher, the Minister shall direct the continuance in force of such contract. Continuance of contract.
- (2) The said section 8 is further amended by adding thereto the following subsection: 1946, c. 97, s. 8, amended.
- (2) Where the report of the board of reference recommends the discontinuance of the contract of employment, the Minister shall direct that the contract be discontinued at the end of such period as the board of reference has recommended or as the Minister deems advisable. Discontinuance of contract.

Commence-
ment of Act.

3. This Act shall come into force on the day it receives the Royal Assent.

Short title.

4. This Act may be cited as *The Teachers' Boards of Reference Amendment Act, 1949.*

CHAPTER 102.

The Teachers' Superannuation Act, 1949.

*Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) "board" means board of public school trustees, "board"; board of separate school trustees, board of trustees of a continuation school, high school board, collegiate institute board or board of education;
- (b) "Commission" means Teachers' Superannuation "Commis-
Commission"; sion";
- (c) "Department" means Department of Education; "Depart-
ment";
- (d) "employed" means engaged under contract for any "employed";
period,
 - (i) as a teacher in a public school, separate school, continuation school, high school, collegiate institute, provincial normal school or a school to which *The Vocational Education Act* applies, Rev. Stat.,
c. 369.
 - (ii) as a teacher in a school or class supported in whole or in part by contributions from the Province or from a municipal corporation, and designated by the regulations,
 - (iii) as a teacher in a school outside of Ontario under a teachers' exchange system authorized by the Minister,
 - (iv) as a teacher in any school or class main-
tained for the instruction of discharged mem-

bers of His Majesty's forces by the Government of Canada or Ontario, or both, and designated by the regulations, where the teacher has at his own option elected to come within this Act,

- (v) as an inspector or in any supervisory capacity by a board,
- (vi) as an officer of an association or body of teachers engaged in advancing the interests of education and designated by the regulations, or
- (vii) by the Minister or a board in any capacity designated by the regulations,

but no person shall be deemed to be employed who,

- (viii) is not qualified as a teacher under the Acts and regulations administered by the Department,
- (ix) is engaged for less than twenty hours per week to teach music, art and crafts, physical and health education, home economics, industrial arts and crafts or any other special subject,
- (x) is regularly engaged outside Ontario and who is performing services in Ontario under a teachers' exchange system approved by the Minister, or
- (xi) is a contributor to any fund to which the Crown contributes except the fund under this Act;

"fund";

- (e) "fund" means Teachers' Superannuation Fund; 1946, c. 96, s. 1, cls. *a-e*; 1948, c. 90, s. 1, *amended*.

"Minister";

- (f) "Minister" means Minister of Education; and

"regulations".

- (g) "regulations" means regulations made under this Act. 1946, c. 96, s. 1, cls. *g, h*.

Commission continued;

2.—(1) The Teachers' and Inspectors' Superannuation Commission is continued under the name "Teachers' Superannuation Commission".

(2) The Commission shall be composed of,—

composition;

(a) five persons each of whom shall hold office for a period of three years and shall be appointed by the Minister; and

(b) four persons who are contributors to the fund, each of whom shall hold office for a period of three years and shall be elected by ballot by the contributors to the fund,

(i) one of whom shall be elected from and by the members of The Federation of Women Teachers' Associations of Ontario,

(ii) one of whom shall be elected from and by the members of The Ontario Secondary School Teachers' Federation,

(iii) one of whom shall be elected from and by the members of The Ontario English Catholic Teachers' Association and L'Association de l'Enseignement Francais de l'Ontario, and

(iv) one of whom shall be elected from and by the members of The Ontario Public School Men Teachers' Federation and the male public school inspectors. 1946, c. 96, s. 2 (1), *amended*.

(3) The Minister shall designate triennially one of the ^{chairman;} members as chairman. 1946, c. 96, s. 2 (2).

(4) When a vacancy occurs among the members, another ^{vacancies;} member shall be appointed or elected, as the case may be, so soon as may be practicable after the vacancy occurs, and the person so appointed or elected shall hold office for the unexpired portion of the term of the member he replaces. 1946, c. 96, s. 2 (3), *amended*.

(5) Each member shall be eligible for re-appointment or ^{re-election,} re-election, as the case may be. *New.*

(6) Each member shall hold office until his successor is ^{term of} appointed or elected, as the case may be. 1946, c. 96, s. 2 (4). ^{office;}

(7) The Commission shall meet in the offices of the Department of Education in Toronto on the third Friday in September, November and January, the Thursday following Easter, the third Saturday in June and at such other times as the chairman may determine. 1946, c. 96, s. 3 (1). ^{meetings;}

(8) Six members shall constitute a quorum. 1946, c. 96, ^{quorum.} s. 3 (2), *amended*.

Duties
and powers.

3. It shall be the duty of the Commission to administer this Act and in so doing it shall determine the right of every applicant to receive an allowance or a refund and the amount thereof. 1946, c. 96, s. 4, *amended*.

Officers,
clerks, etc.

4. The Lieutenant-Governor in Council may appoint a secretary, an actuary, a solicitor, a medical referee and such other officers and staff of the Commission as he may deem proper, all of whom shall be paid out of the fund. 1946, c. 96, s. 5, *amended*.

Fund.

5.—(1) The Teachers' and Inspectors' Superannuation Fund is continued under the name "Teachers' Superannuation Fund". 1946, c. 96, s. 6 (1), *amended*.

Custodian
of fund.

(2) The Treasurer of Ontario shall be the custodian of the fund. 1946, c. 96, s. 6 (2).

Actuarial
valuation.

(3) There shall be a triennial actuarial valuation of the fund, the next such valuation to be as of the 1st day of July, 1951, but the Minister may direct an additional valuation to be made at any time. 1946, c. 96, s. 6 (3), *amended*.

Receiving
gifts, etc.
for fund.

6. The Commission may receive any gift, devise or bequest made to, or for the purposes of the fund, and shall pay it or the proceeds thereof into the fund to be applied as directed by the donor, and if so directed, in additional benefits to those provided by this Act, or in the absence of any such direction, to the general purposes of the fund. 1946, c. 96, s. 7.

Issue of
Ontario
Government
stock
confirmed.

7.—(1) The issue by the Treasurer of Ontario of Ontario Government stock in the sum of \$31,200,000 dated the 1st day of November, 1942, and bearing interest at the rate of four and three-quarters per centum per annum payable half-yearly and maturing on the 1st day of November, 1982, and being a charge upon the Consolidated Revenue Fund, is confirmed. 1946, c. 96, s. 8 (1).

Debentures
authorized
annually—
1942-1952.

(2) In each year during the period commencing the 1st day of November, 1942, and ending on the 31st day of October, 1952, the Treasurer of Ontario shall issue Ontario Government debentures or stock for the amount of the surplus funds in the fund accumulated and not required for current expenditures, such debentures or stock to become due and payable on the 31st day of October, 1952, and to bear interest at the rate of four and one-half per centum per annum payable half-yearly. 1946, c. 96, s. 8 (2), *amended*.

Forty-year
debentures
authorized
—1952.

(3) On the 1st day of November, 1952, the Treasurer of Ontario shall issue Ontario Government debentures or stock for the amount of the surplus funds accumulated in the fund

and not required for current expenditures and for the amount of the debentures or stock issued during the preceding ten-year period under subsection 2, such debentures or stock to become due and payable on the 31st day of October, 1992, and to bear interest at the rate of four and one-half per centum per annum payable half-yearly.

(4) In each year during the period commencing the 1st day of November, 1952, and ending on the 31st day of October, 1962, the Treasurer of Ontario shall issue Ontario Government debentures or stock for the amount of the surplus funds in the fund accumulated and not required for current expenditures, such debentures or stock to become due and payable on the 31st day of October, 1962, and to bear interest at the rate of four and one-half per centum per annum payable half-yearly. Debentures authorized annually—1952-1962.

(5) On the 1st day of November, 1962, the Treasurer of Ontario shall issue Ontario Government debentures or stock for the amount of the surplus funds accumulated and not required for current expenditure, such debentures or stock to become due and payable on the 31st day of October, 2002, and to bear interest at the rate of four and one-half per centum per annum payable half-yearly. *New.* Forty-year debentures authorized—1962.

(6) In each year during each succeeding ten-year period the Treasurer of Ontario shall issue Ontario Government debentures or stock for the amount of surplus funds in the fund accumulated from time to time and not required for current expenditures, such debentures or stock to become due and payable on the last day of such ten-year period and to bear interest, payable half-yearly, at a rate agreed upon at the beginning of such period between the Treasurer of Ontario and the Commission and approved by the Lieutenant-Governor in Council as being applicable for that period. Debentures authorized—ten-year periods.

(7) On the 1st day of November, 1972, and on the 1st day of November of each succeeding ten-year period, the Treasurer of Ontario shall issue Ontario Government debentures or stock for the amount of the surplus funds accumulated in the fund and not required for current expenditures and for the amount of the debentures or stock issued during the next preceding ten-year period under subsection 6, such debentures or stock to become due and payable at the end of a period of forty years from the date of issue and to bear interest at the same rate as the debentures or stock issued under subsection 6 during the ten-year period next preceding the date of the issue of such forty-year debentures or stock. 1946, c. 96, s. 8 (3, 4), *amended.* Forty-year debentures.

Charge on Consolidated Revenue Fund.

(8) The Ontario Government debentures and stock issued under this section shall be a charge upon the Consolidated Revenue Fund. 1946, c. 96, s. 8 (5).

Securities to be deposited.

(9) All securities belonging to the fund shall be deposited with the Treasurer of Ontario who shall be responsible for their safe-keeping. 1946, c. 96, s. 9.

Deficiency.

8. When the payments into the fund in any year are insufficient to make the required payments out of the fund, the deficiency shall be made up out of the Consolidated Revenue Fund. *New.*

Accounts.

9. Accounts shall be kept in which shall be entered all assets and liabilities and payments into and disbursements out of the fund. 1946, c. 96, s. 10, *amended.*

Fiscal year.

10. The period from the 1st day of November to the 31st day of October of the year next following shall constitute the fiscal year of the Commission. 1946, c. 96, s. 11, *amended.*

Interest.

11. Except where otherwise specifically provided by this Act,—

(a) interest payable under this Act or the regulations shall be at the rate of four and three-quarters per centum per annum, compounded half-yearly; and

(b) interest shall be payable on any payment into or out of the fund, other than an allowance, which is six months or more in arrears. 1946, c. 96, s. 12, *amended.*

Audit.

12.—(1) The accounts of the fund shall be audited and the securities in which the moneys of the fund may be invested shall be examined and checked in each year by the Provincial Auditor or by such other auditor as the Lieutenant-Governor in Council may appoint, and the auditor shall make an annual report, and prepare and furnish such other statements to the Treasurer of Ontario as he may require.

Costs and expenses of audit.

(2) The cost of such audits and reports shall be paid by the Commission out of the fund. 1946, c. 96, s. 13, *amended.*

Annual report.

13.—(1) The Commission shall after the close of each fiscal year file with the Provincial Secretary an annual report upon the affairs of the Commission.

Tabling report.

(2) The Provincial Secretary shall submit the report to the Lieutenant-Governor in Council and shall lay the report before the Assembly, if it is then in session, or if not, at the next ensuing session. *New.*

14. An account shall be kept in a chartered bank of Canada in the name of the Treasurer of Ontario as custodian of the fund, and every amount received as a payment into the fund shall be deposited to the credit of such account. 1946, c. 96, s. 14.

15.—(1) Every allowance, every refund, and the expenses of the administration of this Act shall be payable out of the fund and every such payment shall be made by the cheque of the Treasurer of Ontario signed by him or by the Deputy Treasurer or by such other person as may be appointed by the Treasurer for that purpose, and countersigned by the chairman of the Commission or by any other member of the Commission designated by the Commission.

(2) The payee of a cheque for any allowance shall indicate on the back thereof the number of days, if any, he was employed during the month for which the cheque was issued, and if he fails to do so, the Commission may direct that no further allowance be paid him until he complies with this subsection. 1946, c. 96, s. 15, *amended*.

16. The Treasurer of Ontario, as custodian of the fund, may, at the request of the Minister, arrange for a chartered bank of Canada to advance to the fund, by way of overdraft or otherwise, such amount or amounts as may be required temporarily to provide for any payments out of the fund and may furnish securities of the Commission as security therefor, and every such advance shall be repaid within one year out of interest or contributions to the fund, or both. 1946, c. 96, s. 16.

17.—(1) Every person who is employed shall contribute to the fund six per centum of his salary.

(2) Where the annual rate of salary is less than \$1,000 shall, for the purposes of this section, be deemed to be the annual rate of \$1,000.

(3) In this section "salary" includes cost of living or other bonus but does not include any additional remuneration for special services performed at evening classes.

(4) Where a person receives part of his salary in respect of employment of a type prescribed in subclauses i to vii of clause *d* of section 1 and part of his salary in respect of other employment, for the purposes of this Act,—

(a) his salary shall be deemed to be only the amount of the salary that he receives in respect of such prescribed employment; and

(b)

- (b) he shall be given credit for only that portion of each school year that bears the same proportion to the school year as the portion of his salary that he receives in respect of such prescribed employment bears to his total salary for such year. 1946, c. 96, ss. 17, 19, *amended*.

Contributions to be deducted.

18.—(1) Contributions shall be deducted by the board or other authority employing the person from each payment of his salary and the Treasurer of Ontario shall annually deduct the total amount of such contributions from the total legislative grant payable to the board or other authority and place it to the credit of the fund, but if the amount of such grant is less than the total amount of such contributions the board or other authority shall pay the balance to the Treasurer of Ontario, who shall place it to the credit of the fund. 1946, c. 96, s. 20 (1), *amended*.

Contributions to be reported to Commission.

(2) Every board and other authority shall report contributions to the Commission as if annual salaries were paid in ten equal payments, the first of such payments being in respect of the period commencing the 1st day of September. 1946, c. 96, s. 20 (2).

Special cases.

19. In the case of a person who is a contributor to the fund and whose salary is paid by the Government of Ontario, the amount payable by such person shall be retained out of his salary and placed to the credit of the fund by the Treasurer of Ontario. 1946, c. 96, s. 21, *amended*.

When teacher may make contributions directly.

20. A person who,—

- (a) ceases to be employed or is granted leave of absence from his employment without salary for any purpose and for any period permitted by the regulations;
- (b) is employed for twenty or more hours per week by two or more boards as a teacher or supervisor of music, art and crafts, physical and health education, home economics, industrial arts and crafts or any other special subject; or
- (c) is employed by a board that refuses or neglects to comply with section 18, or that by reason of non-compliance with any statute or regulation is not entitled to share in the legislative grant for the schools under its jurisdiction,

may contribute to the fund on such terms and conditions and at such times as the regulations may prescribe. 1946, c. 96, s. 22 (1), *amended*.

21. Any contribution, except when made under clause *a* Error in tending contribution. of section 20, that through error has not been received in the regular way and at the customary time may be subsequently accepted by the Commission. 1946, c. 96, s. 23, *amended*.

22. The Treasurer of Ontario shall, annually and at the same time as contributions are placed to the credit of the fund under section 18, place to the credit of the fund sums equal to two-thirds of those contributed under section 17. 1946, c. 96, s. 24, *amended*. Annual contributions by Province.

23. All sums placed to the credit of the fund during any fiscal year shall be credited to the fund as of the 1st day of February in that fiscal year, and the Treasurer of Ontario shall pay interest thereon for the period between the 1st day of February and the 31st day of July in each fiscal year at the rate payable upon loans issued for provincial purposes during such period as fixed by the Lieutenant-Governor in Council. 1946, c. 96, s. 25. Interest.

24.—(1) Every person who,—

- (a) has credit in the fund for thirty-five or more school years;
- (b) is sixty-two or more years of age; and
- (c) has ceased to be employed,

Retirement at 62 after 35 years service.

shall be entitled to an annual superannuation allowance during his lifetime.

(2) The amount of such allowance shall be computed by dividing the amount of his average salary for the last fifteen years for which he made contributions to the fund by fifty and multiplying the quotient by a number equal to the number of school years for which he has credit in the fund, but not exceeding thirty-five, provided that,— Amount.

- (a) for the purpose of computing the amount of such allowance,
 - (i) each school year for which his contributions are in the fund at the time of his application for an allowance shall count as a school year of credit,
 - (ii) each school year for which he made contributions to a municipal or school board fund prior to the 1st day of April, 1917, which

contributions are in the fund at the time of his application for an allowance, shall count as a school year of credit,

(iii) each school year for which he was employed prior to the 1st day of April, 1917, other than the years referred to in subclause ii, shall count as one-half school year of credit, and

(iv) each school year for which he made contributions to the Public Service Superannuation Fund, which contributions are in the fund at the time of his application for an allowance, shall count as a school year of credit;

(b) if the amount of such allowance as computed is less than \$600, it shall be \$600; and

(c) if the amount of such allowance as computed is more than \$3,000, it shall be \$3,000. 1946, c. 96, s. 27, *amended*.

Retirement
after 40
years'
service.

25.—(1) Every person who,—

(a) has credit in the fund for forty or more school years;
and

(b) has ceased to be employed,

shall be entitled to an annual superannuation allowance during his lifetime.

Amount.

(2) The amount of such allowance shall be computed in the manner prescribed by subsection 2 of section 24 but no such allowance shall be less than \$600 or more than \$3,000. 1946, c. 96, s. 28, *amended*.

Retirement
after 30
years'
service.

26.—(1) Every person who,—

(a) has credit in the fund for thirty or more school years; and

(b) has ceased to be employed,

shall be entitled to an annual superannuation allowance during his lifetime.

Amount.

(2) The amount of such allowance shall be computed in the manner prescribed by subsection 2 of section 24 but shall be subject to such reduction as may be prescribed by the regulations having regard to the length of service and to the age of the applicant, provided that no such allowance shall be less than \$600 or more than \$3,000. 1946, c. 96, s. 29, *amended*.

27.—(1) Every person who,—Retirement
after
25 years'
service.

- (a) has credit in the fund for twenty-five or more but less than thirty years;
- (b) has been employed for five years or more after attaining the age of fifty-five years; and
- (c) after attaining the age of sixty-two years has ceased to be employed,

shall be entitled to an annual superannuation allowance during his lifetime.

(2) The amount of such allowance shall be computed in the Amount. manner prescribed in subsection 2 of section 24 but shall be subject to such reduction as may be prescribed in the regulations having regard to the length of service of the applicant, provided that no such allowance shall be less than \$600 or more than \$3,000. *New.*

28.—(1) Every person who,—Retirement
on account
of total
permanent
disability.

- (a) has credit in the fund for fifteen or more school years;
- (b) while employed becomes mentally or physically incapacitated to a degree that in the opinion of the Commission renders him incapable of further earning his livelihood; and
- (c) makes application therefor within two years from the date upon which he was last employed,

shall, subject to section 42, be entitled to an annual disability allowance during his lifetime.

(2) The amount of such allowance shall be computed in the Amount. manner prescribed by subsection 2 of section 24 but no such allowance shall be less than \$600 or more than \$3,000. 1946, c. 96, s. 30, *amended.*

29.—(1) Every person who,—Retirement
on account of
permanent
disability
as teacher.

- (a) has credit in the fund for fifteen or more school years;
- (b) while employed becomes mentally or physically incapacitated to a degree which in the opinion of the Commission renders him incapable of being further employed as a teacher or inspector; and
- (c) makes application therefor within two years from the date upon which he was last employed,

shall, subject to section 42, be entitled to an annual disability allowance during his lifetime.

Amount.

(2) The amount of such allowance shall be computed in the manner prescribed by subsection 2 of section 24 but shall be subject to such reduction as may be prescribed by the regulations having regard to the length of service and to the age of the applicant, provided that no such allowance shall be less than \$600 or more than \$3,000. 1946, c. 96, s. 31, *amended*.

Person
with
impairment.

30.—(1) Where the medical examination prescribed for admission to the Ontario College of Education or a normal school discloses in any person a mental or physical impairment, defect or condition that in the opinion of the examiner does not render such person incapable of being employed but might subsequently render him incapable of being employed, such person shall be admitted to the college or school only after he signs a consent, in the prescribed form, to have this section apply to him in the event of his becoming employed.

Allowance.

(2) Every person who has signed a consent under subsection 1, who,—

(a) has credit in the fund for fifteen or more school years;

(b) while employed becomes mentally or physically incapacitated to a degree that in the opinion of the Commission renders him incapable of being further employed; and

(c) makes application therefor within two years from the date upon which he was last employed,

shall, subject to section 42, be entitled to an annual disability allowance during his lifetime.

Amount.

(3) The amount of such allowance shall be,—

(a) in the case of a person who has credit in the fund for less than thirty school years, an amount equal to that which would be payable under an annuity issued under the *Government Annuities Act* (Canada) purchased at the rates in force at the date of such application with an amount equal to all the contributions made by him to the fund together with those made on his behalf by the Treasurer of Ontario; and

R.S.C. c. 7.

(b) in the case of a person who has credit in the fund for thirty or more school years,

(i) the amount that he would be entitled to receive under section 24, 25, 26 or 27, or

(ii)

- (ii) the amount computed in the manner prescribed by clause *a*,

whichever is the larger. 1946, c. 96, s. 32, *amended*.

31.—(1) Where a male person who has credit in the fund for fifteen or more years dies while employed or within two years after ceasing to be employed on account of ill-health, or where a male person who is in receipt of an allowance dies,—^{Dependants' allowances.}

- (a) leaving a widow, a dependant's allowance of an amount equal to,

- (i) one-half of the allowance computed in the manner prescribed in subsection 2 of section 24, but based on the person's credit in the fund at the time of his death, or

- (ii) one-half of the allowance that the person was receiving at the date of his death,

as the case may be, shall be paid to his widow during her lifetime or during her widowhood, and where the widow dies or marries leaving a child or children who at the date of her death or marriage is or are under the age of eighteen years, a dependant's allowance of an amount equal to that paid to the widow shall be paid to the child or children until such age is attained; or

- (b) leaving no widow but leaving a child or children under the age of eighteen years, a dependant's allowance of an amount equal to,

- (i) one-half of the allowance computed in the manner prescribed in subsection 2 of section 24 but based on the person's credit in the fund at the time of his death, or

- (ii) one-half of the allowance that the person was receiving at the date of his death,

as the case may be, shall be paid to such child or children until such age is attained.

(2) Subsection 1 shall not apply to the widow of a person if she married him after he attained the age of sixty years or after the date of his retirement, or to the children of any such widow. ^{Exceptions.}

Where dependant's allowance to be reduced.

(3) Where the widow was at least ten years younger than her deceased husband, the payments made under subsection 1 shall be reduced in such manner and in such amount as the regulations may prescribe.

Where person is a female.

(4) This section shall apply *mutatis mutandis* to the widower of a female person where,—

(a) the widower was permanently incapacitated and wholly supported by the deceased wife at the time of her death or at the time of her cessation of employment, whichever was the earlier;

(b) she had been married to the widower for at least ten years at the time of her death or at the time of her cessation of employment, whichever was the earlier; and

(c) the child or children, if any, were fully supported by the person at the time of her death.

Widow's children.

(5) This section shall apply *mutatis mutandis* to the child or children of a female person who was a widow at the time of her death.

Minimum dependant's allowance.

(6) The minimum payment under this section shall be at the rate of \$300 per annum. *New.*

Annuity in lieu of annual allowance.

32.—(1) A person to whom section 31 cannot apply may by a direction in writing signed by him and deposited with the Commission at least two years before he ceases to be employed, direct that the allowance to which he would be entitled shall be converted and paid as an annuity to him upon his retirement for his lifetime and after his death, at one-half the rate to any dependant named in any such direction.

Where direction not given.

(2) A person who has not given a direction within the time prescribed in subsection 1, may at a later date, but not after making application for an allowance, give such a direction upon passing a medical examination satisfactory to the Commission.

Revocation of direction.

(3) A person who has given a direction under this section may, at any time before he ceases to be employed, revoke such direction.

Where direction not effective.

(4) Where a person who has given a direction under this section dies,—

(a) before he makes application for an allowance; or

(b) before he ceases to be employed,

the direction shall have no effect. 1946, c. 96, s. 33, *amended.*

33. An allowance under this Act shall be made only after the receipt by the Commission of an application therefor in the prescribed form. 1946, c. 96, s. 34, *amended*. Applications for allowances.

34. No application for a disability allowance shall be considered by the Commission until the Commission has obtained,— Proof of disability.

(a) the certificate of a legally qualified medical practitioner designated by the Commission, certifying that while employed the applicant became mentally or physically incapacitated and indicating the nature and degree of the incapacitation; and

(b) the report of the medical referee of the Commission containing such recommendations as he may deem proper with regard to the granting of an allowance to the applicant. 1946, c. 96, s. 35, *amended*.

35. A person shall not be entitled to receive at any one time more than one allowance under this Act. 1946, c. 96, s. 36, *amended*. Only one allowance to be received.

36. Every allowance shall be payable in monthly instalments and shall be apportionable to the date of death. 1946, c. 96, s. 37, *amended*. Allowances to be paid monthly.

37.—(1) Every allowance shall commence as of the first day of the month next following the month during which the applicant ceased to be employed, provided that a disability allowance shall not commence as of a date earlier than one year prior to the date upon which the completed application therefor reaches the Commission. 1946, c. 96, s. 38, *amended*. Commencement of allowances,—superannuation; disability;

(2) Every dependant's allowance shall commence as of the day following the death of the person in respect of whom it is payable. *New*. dependants.

38.—(1) Where a person who is receiving a superannuation or dependant's allowance becomes employed upon either a temporary or a permanent basis he shall forthwith give notice in writing thereof to the Commission and in default of so doing shall forfeit any further claim to any benefit under this Act unless the Commission otherwise directs. Re-employment.

(2) Where a person who is receiving a disability allowance becomes employed upon either a temporary or a permanent basis or becomes engaged as a teacher in any school or institution either within or outside of Ontario upon either a

temporary or a permanent basis, he shall forthwith give notice in writing thereof to the Commission, and in default of so doing shall forfeit any further claim to any benefit under this Act unless the Commission otherwise directs. 1946, c. 96, s. 39, *amended*.

Re-employ-
ment,—
effect.

39.—(1) Where a person who is receiving a superannuation or dependant's allowance becomes employed,—

- (a) the allowance shall cease to be paid; and
- (b) he shall contribute to the fund during the period that he is employed.

Idem.

(2) Where a person who is receiving a disability allowance becomes employed,—

- (a) the allowance shall cease to be paid;
- (b) he shall contribute to the fund during the period that he is employed; and
- (c) he shall repay to the fund the amount of the allowance received by him, with accumulated interest.

Idem.

(3) Where a person who is receiving a disability allowance becomes engaged as a teacher in any school or institution either within or outside of Ontario but is not employed within the meaning of clause *d* of section 1,—

- (a) the allowance shall cease to be paid; and
 - (b) he shall repay to the fund the amount of the allowance received by him, with accumulated interest.
- 1946, c. 96, s. 40, *amended*.

Resumption
of super-
annuation
allowance.

40. Where a person who ceased to receive a superannuation allowance because of re-employment again ceases to be employed,—

- (a) in the case of a person who has been re-employed for a period of less than two school years, payment of the allowance shall be resumed without any adjustment in the amount thereof, upon receipt by the Commission of a notice in writing of the cessation of employment;
- (b) in the case of a person who has been so employed for a period of two or more school years an application for an allowance shall be treated as an application for a new allowance; and

- (c) in no case shall he be entitled to receive a disability allowance. 1946, c. 96, s. 41, *amended*.

41. Where a person receiving a disability allowance becomes employed or becomes engaged as a teacher within or outside of Ontario,—

Recipient of disability allowance becoming employed.

- (a) any application subsequently made for an allowance shall be treated as an application for a new allowance; and
- (b) any allowance or refund of contributions which he may subsequently become entitled to receive shall be reduced actuarially by any amount that he has failed to repay to the fund in accordance with section 39. 1946, c. 96, s. 42, *amended*.

42.—(1) The Commission may at any time require any person who,—

Evidence of mental or physical condition.

- (a) is receiving a disability allowance under section 28 or 29; or
- (b) having been employed for less than thirty years, is receiving a disability allowance under section 30; or
- (c) being a widower, is receiving a dependant's allowance,

to furnish evidence, in such form as it may direct, of his mental or physical condition.

(2) Where the person fails to furnish evidence that his mental or physical condition continues to be of a nature that would entitle him to receive an allowance under the section pursuant to which his allowance is paid, the Commission may direct that the allowance shall cease to be paid and that no further allowance shall be paid to him or that such other allowance as the Commission finds him to be entitled to shall be paid to him. 1946, c. 96, s. 43 (1, 2), *amended*.

Failure to furnish evidence.

43. Where the Commission is satisfied that any person to whom an allowance is payable under this Act is incapable of managing his own affairs, the Commission may direct that any cheque for moneys payable to him shall be made payable to a member of his family or household and in that case the endorsement of the cheque by the person so designated by the Commission shall be a sufficient discharge of the fund to the extent of such payment. 1946, c. 96, s. 44, *amended*.

Where payee incapable.

44. The interest of any person in the fund and any allowance under this Act shall not be subject to garnishment,

No attachment, etc.

attachment, seizure or other process of law and shall not be assignable. 1946, c. 96, s. 45, *amended*.

Refunds,—
application
for.

45.—(1) Any refund under this Act shall be made only after the receipt by the Commission of an application therefor in the prescribed form.

Payment in
lump sum.

(2) Where the amount of a refund is less than \$800 it shall be paid in a lump sum.

Refund
over \$800.

(3) Where the amount of a refund is \$800 or more it shall be paid in a lump sum unless the person to whom it is payable, or where he has died, his personal representative, states in the application that he wishes the amount to be paid in instalments, in which case the amount shall be paid in three equal instalments without additional interest on the days fixed by the Commission for the purpose. 1946, c. 96, s. 48, *amended*.

Retirement
after 5 years.

46.—(1) A person who has been employed for five or more school years and ceases to be employed by withdrawing from the profession shall be entitled to a refund of an amount equal to the whole of his contributions to the fund with interest at the rate of one and one-half per centum per annum compounded half-yearly from the date of cessation of employment to the 31st day of March, 1949, but no such refund shall be made until three months have elapsed after the date upon which the person ceased to be employed.

Forced re-
tirement.

(2) A person who has been employed for fifteen or more school years and ceases to be employed by reason of a by-law or resolution of the board or other authority employing him before he becomes entitled to an allowance under this Act, shall be entitled to a refund of an amount equal to the amounts contributed by him to the fund with interest to the date of refund at the rate of four per centum per annum compounded half-yearly.

When
employment
deemed
to end.

(3) For the purposes of this section the date upon which a person shall be deemed to cease to be employed shall be the last day for which he was paid in the last school year during which he was employed for twenty days or more. 1946, c. 96, s. 49 (1-4), *amended*.

Second
refund.

47. A person who has withdrawn his contributions from the fund and subsequently is employed for an additional period of five years or more and ceases to be so employed after the 31st day of March, 1949, shall be entitled to a refund of an amount equal to the whole of his contributions to the fund during such additional period, but no such refund shall

be made until three months have elapsed after the date upon which the person ceased to be employed. 1946, c. 96, s. 49 (5), *amended*.

48. A person who has withdrawn his contributions from the fund and subsequently is employed may,— Repayment on re-employment.

- (a) within two years after the day upon which he completes twenty days of teaching in a school year, or the 1st day of July, 1951, whichever is the later date, notify the Commission in writing of his desire to be reinstated in respect of his former period of employment; and
- (b) after having so notified the Commission, repay into the fund within five years after the day upon which he completes twenty days of teaching in a school year, the amount previously refunded to him,

but failing either or both of which he shall have no interest in the fund in respect of any part of his former period of employment. *New*.

49. Where a person ceases to be employed before he has been employed for a period of five school years, the amount of his contributions shall remain in the fund and, unless he again is employed, he shall have no claim thereto. 1946, c. 96, s. 50 (1), *amended*. Where employed under 5 years.

50. Where a person who ceased to be employed before he had been employed for a period of five school years dies within two years of such cessation of employment, his personal representative shall be entitled to a refund of an amount equal to the amounts contributed by him to the fund with interest to the date of death at the rate of three per centum per annum compounded half-yearly. 1946, c. 96, s. 50 (2), *amended*. Event of death.

51. Where a person who is in receipt of a superannuation allowance becomes employed no refund in respect of his contributions made after his return to employment shall be made except upon his death. 1946, c. 96, s. 51, *amended*. Return to employment.

52. Notwithstanding sections 49, 50 and 51, a person who has been employed for fewer than twenty days in any school year shall be entitled to a refund of an amount equal to the whole of his contributions to the fund for that school year, without interest. 1946, c. 96, s. 52, *amended*. Where employed less than 20 days.

53. Where a person who has been employed for five or more years and who is not in receipt of an allowance dies, his personal representative shall be entitled to a refund of an Death before receiving allowance.

amount equal to the amounts contributed by him to the fund with interest to the date of death at the rate of three per centum per annum compounded half-yearly. 1946, c. 96, s. 53 (1), *amended*.

Death after becoming entitled to allowance.

54. Where a person who is in receipt of an allowance dies, his personal representative shall be entitled to a refund of an amount equal to the amounts contributed by the person to the fund with interest to the date of death at the rate of three per centum per annum compounded half-yearly, reduced by an amount equal to the amounts paid out of the fund to the person with interest to the date of death at the rate of three per centum per annum compounded half-yearly. 1946, c. 96, s. 53 (2), *amended*.

Refund where dis-allowance ceased to be paid.

55. A person whose allowance ceased to be paid under section 42, other than a widower under section 31, shall be entitled to a refund out of the fund of an amount equal to the amounts contributed by him to the fund with interest at the rate of three per centum per annum compounded half-yearly, reduced by an amount equal to the amounts paid out of the fund to him with interest at the rate of three per centum per annum compounded half-yearly. 1946, c. 96, s. 43 (3), *amended*.

Refund where dependant's allowance less than contributions.

56. Where the payments made under section 31, or the amount of the allowance and any payments made under section 31, as the case may be, with interest at three per centum per annum compounded half-yearly to the date of cessation of the payments, are less than the amount of the contributions of the person, with interest at three per centum per annum compounded half-yearly to the same date, the amount of the difference shall be paid to his personal representative. *New*.

Regulations.

57. The Lieutenant-Governor in Council may make regulations,—

- (a) prescribing the powers and duties of the officers of the Commission, or any of them;
- (b) prescribing the manner in which the nomination and election of the elected members of the Commission shall be conducted;
- (c) prescribing the form and manner in which and by whom the accounts and records of the Commission shall be kept;
- (d) prescribing the form of application for any allowance or refund and the information and material to be

furnished therewith, including the form thereof, and prescribing other information and material that shall be taken into consideration by the Commission in considering applications for allowances or refunds;

- (e) prescribing the procedure to be followed by the Commission in considering and disposing of applications for allowances or refunds;
- (f) requiring persons who are contributors to the fund or persons who are receiving allowances from the fund, and boards, to furnish information to or for the use of the Commission and prescribing the form thereof;
- (g) authorizing the Commission to require persons who are contributors to the fund or persons who are receiving allowances from the fund, and boards, to furnish information to or for the use of the Commission and prescribing the form thereof;
- (h) prescribing the system of reductions that shall be applied in computing the allowances provided for in sections 26, 27 and 29;
- (i) prescribing the manner of calculating the rates and amounts of annuities payable under section 32;
- (j) governing persons who are absent from duty because of ill-health or for the purpose of taking any course of study designated by the regulations or approved by the Commission, or for a period of sabbatical leave under the by-laws of the employing board, and prescribing the amount of, the time within which and the conditions upon which contributions shall be made by any such person and the credit to which he shall be entitled in respect of any such period of absence from duty;
- (k) prescribing the conditions under which credit may be given under the Act for teaching or inspectorial services performed,
 - (i) in any province of Canada,
 - (ii) in any other part of the British Commonwealth of Nations, or
 - (iii) in any school for Indians maintained by the Government of Canada,

where the person is subsequently employed within the meaning of this Act, and prescribing the amount of such credit;

- (l) providing for payment out of the fund into a like fund under a superannuation plan in any other province of Canada or in any other part of the British Commonwealth of Nations on behalf of a teacher or inspector formerly employed in Ontario who has become a teacher or inspector in such other province or part;
- (m) prescribing special provisions governing the conditions under which persons in receipt of allowances may become employed during any period that is declared by the regulations to be a period during which there is urgent need for their services and providing for reductions in the allowances paid to them;
- (n) prescribing special provisions in respect of active service in His Majesty's forces or special war service or time spent receiving medical or surgical treatment for a disability sustained while on active service or special war service, including,
 - (i) the defining of active service and special war service,
 - (ii) the contributions required or permitted to be made in respect of such periods and the time and manner of making such contributions,
 - (iii) the credit to be given for periods spent in such service or while receiving such treatment, and
 - (iv) generally such provisions as may be necessary to extend to persons employed the benefits available under this Act in respect of such periods;
- (o) respecting persons employed in schools whose board or teachers, or both, are reported by the Minister to the Commission as having failed to comply with any Acts or regulations administered by the Department including,
 - (i) the terms and conditions upon which contributions shall be made to the fund, and
 - (ii) the credit to be given to such persons in respect of the period of non-compliance;

- (p) designating schools or classes within the meaning of subclause iv of clause d of section 1;
- (q) prescribing forms for use under the Act and regulations;
- (r) respecting any right or class thereof that is deemed to be prejudicially affected by the repeal of *The Teachers' and Inspectors' Superannuation Act, 1946*, c. 96, and the substitution of this Act; and
- (s) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1946, c. 96, s. 54, *amended*.

58. Every person on the instructional staff of any normal school in Ontario, the Ontario College of Education, the University of Toronto Schools, the Ontario School for the Deaf, the Ontario School for the Blind, the Province of Ontario Correspondence Courses or the Royal Ontario Museum who was a contributor to the Teachers' and Inspectors' Superannuation Fund on the 1st day of July, 1946, shall, notwithstanding any of the provisions of this Act and so long as he remains on any such instructional staff and so long as he does not contribute to any other superannuation fund to which the Crown contributes, be deemed to be employed within the meaning of this Act. *New.*

Certain contributors on July 1st, 1946, may continue to contribute.

59.—(1) The members of the Commission in office when this Act comes into force shall continue in office as though this Act had not been passed.

Present Commission continued.

(2) The fifth appointed member of the Commission provided for in this Act shall be appointed by the Minister under section 2 for a three-year term commencing the 1st day of June, 1950. *New.*

Fifth appointed member.

(3) The elected members of the Commission representing,—

Elected members.

- (a) The Federation of Women Teachers' Associations of Ontario shall be elected under section 2 for a three-year term commencing the 1st day of June, 1949;
- (b) The Ontario Secondary School Teachers' Federation shall be elected under section 2 for a three-year term commencing the 1st day of June, 1950;
- (c) The Ontario English Catholic Teachers' Association and L'Association de l'Enseignement Francais de l'Ontario shall be elected under section 2 for a three-year term commencing the 1st day of June, 1950;

- (d) The Ontario Public School Men Teachers' Federation, and the male public school inspectors shall be elected under section 2 for a three-year term commencing the 1st day of June, 1951. *New.*

Present
officers.

60. The officers of the Commission in office when this Act comes into force shall continue in office during pleasure. *New.*

Rate of con-
tribution,—
when to
apply.

61. The rate of contribution to the fund prescribed by section 17 of this Act shall apply to contributions made after the 1st day of September, 1949. *New.*

Present
allowances
continued
and
increased.
1946, c. 96.

62.—(1) Every allowance under *The Teachers' and Inspectors' Superannuation Act, 1946* being paid at the time this Act comes into force is continued, and from the 1st day of April, 1949, shall be paid without regard to any maximum specified in the said Act and shall be increased at the rate of \$120 per annum.

Minimum
\$600.

(2) Where the amount of any such allowance after such increase has been added is less than \$600, it shall be \$600. *New.*

Where
employment
ceases after
March 1st,
1949.

63.—(1) Where a person ceases to be employed after the 1st day of March, 1949, his allowance shall be computed under this Act.

Where
employment
ceases before
March 1st,
1949.

(2) Where a person ceased to be employed before the 1st day of March, 1949, his allowance shall be computed under the predecessor of this Act that was in force when he ceased to be employed without regard to any maximum then applicable and shall be increased at the rate of \$120 per annum, and where the amount of any such allowance after such increase has been added is less than \$600, it shall be \$600. *New.*

1946, c. 96;
1948, c. 90,
repealed.

64. *The Teachers' and Inspectors' Superannuation Act, 1946* and *The Teachers' and Inspectors' Superannuation Amendment Act, 1948* are repealed.

Commence-
ment of Act.

65. This Act shall come into force on the 1st day of April, 1949.

Short title.

66. This Act may be cited as *The Teachers' Superannuation Act, 1949.*

CHAPTER 103.

An Act to amend The Telephone Act.

*Assented to April 1st, 1949.**Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Telephone Act* is amended by adding thereto the following section: Rev. Stat.,
c. 261,
amended.

- 22a.—(1) Subject to the approval of a majority of the subscribers present in person or represented by proxy at a special general meeting of the subscribers called for the purpose, and subject to the approval of the Board, the council of an initiating municipality in which a telephone system established under this Part is vested may by by-law provide for the sale and disposal of the whole or any part of the telephone system. Sale of
telephone
system or
part.
- (2) The proceeds of sale shall, under the direction of the Board, be applied and used in payment of outstanding debenture debt and other indebtedness and liabilities incurred with respect to the telephone system. Use of pro-
ceeds to
discharge
debts.
- (3) The proceeds of sale not required for the purposes mentioned in subsection 2 shall, under the direction of the Board,— Disposition
of surplus.
- (a), in the case of a sale of part only of the telephone system, belong to the system and be applied and used according to the Board's directions; and
- (b) in the case of a sale of the whole of the telephone system, belong to the subscribers and be distributed among them in such manner and on such basis in respect of their separate interests as the Board may direct and, in the event of dispute, as the Board may determine.

Where subscribers are unknown.

- (4) Where from absence or loss of records or other cause, the council of an initiating municipality is unable to ascertain who are the subscribers and is therefore unable to obtain their consent to a sale of the whole or a part of a telephone system, the Board, upon proof of the fact, may authorize the sale, notwithstanding the absence of consent of subscribers, and the proceeds of sale shall, subject to subsection 2,—

- (a) in the case of a sale of part only of the system, belong to the system and be applied and used according to the Board's directions; and
- (b) in the case of a sale of the whole of the system, be held, applied, used, distributed and disposed of as and when the Board may authorize and approve.

Rev. Stat.,
c. 261, s. 58,
amended.

2. Section 58 of *The Telephone Act* is amended by striking out the words, figures and letters "15th day of February" in the third line and inserting in lieu thereof the words, figure and letters "1st day of March", so that the section shall read as follows:

Annual
meeting.

58. Every system established under this Part shall hold a general meeting of its subscribers in each year not later than the 1st day of March, or at such other time as may be approved by the Board.

Commence-
ment of Act.

3. This Act shall come into force on the day it receives the Royal Assent.

Short title.

4. This Act may be cited as *The Telephone Amendment Act, 1949*.

CHAPTER 104.

The Territorial Division Act, 1949.

*Assented to March 9th, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The territorial division of Ontario into counties and districts shall continue as hereinafter set forth, and subject to sections 4 and 5, for municipal and judicial purposes such counties, and for judicial purposes such districts shall respectively be composed as follows:

1.—THE COUNTY OF BRANT**Brant.**

shall consist of,—

- (a) the City of Brantford;
- (b) the Town of Paris;
- (c) the townships of,

Brantford,	Onondaga,
Burford,	South Dumfries,
Oakland,	Tuscarora,

except that the Township of Tuscarora shall continue to be withdrawn from and shall not form part of the County of Brant for municipal purposes.

2.—THE COUNTY OF BRUCE**Bruce.**

shall consist of,—

- (a) the towns of Chesley, Kincardine, Port Elgin, Southampton, Walkerton, Wiarton;
- (b) the villages of Hepworth, Lion's Head, Lucknow, Mildmay, Paisley, Ripley, Tara, Teeswater, Tiverton;
- (c) the townships of,

Albemarle,	Brant,
Amabel,	Bruce,
Arran,	Carrick,

Culross,	Kincardine,
Eastnor,	Kinloss,
Elderslie,	Lindsay,
Greenock,	St. Edmunds,
Huron,	Saugeen.

The Indian Reserve at Cape Croker shall, for judicial purposes, be deemed part of the Township of Albemarle.

The Indian Reserve at Chiefs' Point and the Saugeen Indian Reserve north of the mouth of the Saugeen River shall, for judicial purposes, be deemed part of the Township of Amabel.

Carleton.

3.—THE COUNTY OF CARLETON

shall consist of,—

- (a) the City of Ottawa;
- (b) the Town of Eastview;
- (c) the villages of Richmond, Rockcliffe Park;
- (d) the townships of,

Fitzroy,	Marlborough,
Gloucester,	Nepean,
Goulbourn,	North Gower,
Huntley,	Osgoode,
March,	Torbolton.

Dufferin.

4.—THE COUNTY OF DUFFERIN

shall consist of,—

- (a) the Town of Orangeville;
- (b) the villages of Grand Valley, Shelburne;
- (c) the townships of,

Amaranth,	Melancthon,
East Garafraxa,	Mono,
East Luther,	Mulmur.

Dundas.

5.—THE COUNTY OF DUNDAS

shall consist of,—

- (a) the villages of Chesterville, Iroquois, Morrisburg, Winchester;

- (b) the townships of,
Matilda, Williamsburgh,
Mountain, Winchester.

6.—THE COUNTY OF DURHAM

Durham.

shall consist of,—

- (a) the towns of Bowmanville, Port Hope;
(b) the villages of Millbrook, Newcastle;
(c) the townships of,
Cartwright, Darlington,
Cavan, Hope,
Clarke, Manvers.

7.—THE COUNTY OF ELGIN

Elgin

shall consist of,

- (a) the City of St. Thomas;
(b) the Town of Aylmer;
(c) the villages of Dutton, Port Burwell, Port Stanley,
Rodney, Springfield, Vienna, West Lorne;
(d) the townships of,
Aldborough, South Dorchester,
Bayham, Southwold,
Dunwich, Yarmouth.
Malahide,

8.—THE COUNTY OF ESSEX

Essex.

shall consist of,—

- (a) the City of Windsor;
(b) the towns of Amherstburg, Essex, Harrow, Kings-
ville, La Salle, Leamington, Ojibway, Riverside,
Tecumseh;
(c) the villages of Belle River, St. Clair Beach;

- (d) the townships of,
- | | |
|-------------------|-----------------|
| Anderdon, | Pelee, |
| Colchester North, | Rochester, |
| Colchester South, | Sandwich East, |
| Gosfield North, | Sandwich South, |
| Gosfield South, | Sandwich West, |
| Maidstone, | Tilbury North, |
| Malden, | Tilbury West, |
| Mersea, | |

except that the Township of Pelee shall continue to be separate, for municipal purposes, from the County of Essex.

Certain islands included in Township of Pelee.

Middle Sister Island, North Harbour Island, East Sister Island, Hen Island, Big Chicken Island, Little Chicken Island and Middle Island shall form part of the Township of Pelee.

Frontenac.

9.—THE COUNTY OF FRONTENAC

shall consist of,—

- (a) the City of Kingston;
- (b) the Village of Portsmouth;
- (c) the townships of,
- | | |
|-----------------------|-------------------------|
| Barrie, | Palmerston and North |
| Bedford, | and South Canonto, |
| Clarendon and Miller, | Pittsburgh, |
| Hinchinbrooke, | Portland, |
| Howe Island, | Storrington, |
| Kennebec, | Wolfe Island (including |
| Kingston, | Garden Island, |
| Loughborough, | Simcoe Island, Horse |
| Olden, | Shoe Island and Mud |
| Oso, | Island). |

Glengarry.

10.—THE COUNTY OF GLENGARRY

shall consist of,—

- (a) the Town of Alexandria;
- (b) the villages of Lancaster, Maxville;
- (c) the townships of,
- | | |
|------------------|------------|
| Charlottenburgh, | Lancaster, |
| Kenyon, | Lochiel. |

11.—THE COUNTY OF GRENVILLE

Grenville.

shall consist of,—

- (a) the separated Town of Prescott;
- (b) the villages of Cardinal, Kemptville, Merrickville;
- (c) the townships of,

Augusta,	South Gower,
Edwardsburgh,	Wolford.
Oxford (on Rideau),	

12.—THE COUNTY OF GREY

Grey.

shall consist of,—

- (a) the City of Owen Sound;
- (b) the towns of Durham, Hanover, Meaford, Thornbury;
- (c) the villages of Chatsworth, Dundalk, Flesherton, Markdale, Neustadt, Shallow Lake;
- (d) the townships of,

Artemesia,	Keppel,
Bentinck,	Normanby,
Collingwood,	Osprey,
Derby,	Proton,
Egremont,	Saint Vincent,
Euphrasia,	Sarawak,
Glenelg,	Sullivan,
Holland,	Sydenham.

13.—THE COUNTY OF HALDIMAND

Haldimand.

shall consist of,—

- (a) the Town of Dunnville;
- (b) the villages of Caledonia, Cayuga, Hagersville, Jarvis;
- (c) the townships of,

Canborough,	Rainham,
Dunn,	Seneca,
Moulton,	Sherbrooke,
North Cayuga,	South Cayuga,
Oneida,	Walpole.

Halton.

14.—THE COUNTY OF HALTON

shall consist of,—

- (a) the towns of Burlington, Georgetown, Milton, Oakville;
- (b) the Village of Acton;
- (c) the townships of,

Esquesing,	Nelson,
Nassagaweya,	Trafalgar.

Hastings.

15.—THE COUNTY OF HASTINGS

shall consist of,—

- (a) the City of Belleville;
- (b) the Town of Deseronto;
- (c) the separated Town of Trenton;
- (d) the villages of Bancroft, Deloro, Frankford, Madoc, Marmora, Stirling, Tweed;
- (e) the townships of,

Bangor, Wicklow and	Madoc,
McClure,	Marmora and Lake
Carlow,	Mayo,
Dungannon,	Monteagle and Herschel,
Elzevir and Grims-	Rawdon,
thorpe,	Sdney,
Faraday,	ThurLOW,
Hungerford,	Tudor and Cashel,
Huntingdon,	Tyendinaga,
Limerick,	Wollaston.

Huron.

16.—THE COUNTY OF HURON

shall consist of,—

- (a) the towns of Clinton, Goderich, Seaforth, Wingham;
- (b) the villages of Blyth, Brussels, Exeter, Hensall;
- (c) the townships of,

Ashfield,	Grey,
Colborne,	Hay,
East Wawanosh,	Howick,
Goderich,	Hullett,

McKillop,
Morris,
Stanley,
Stephen,

Tuckersmith,
Turnberry,
Usborne,
West Wawanosh.

17.—THE COUNTY OF KENT

Kent.

shall consist of,—

- (a) the City of Chatham;
- (b) the towns of Blenheim, Bothwell, Dresden, Ridgetown, Tilbury, Wallaceburg;
- (c) the villages of Erieau, Erie Beach, Highgate, Thamesville, Wheatley;
- (d) the townships of,

Camden,	Orford,
Chatham,	Raleigh,
Dover,	Romney,
Harwich,	Tilbury East,
Howard,	Zone.

18.—THE COUNTY OF LAMBTON

Lambton.

shall consist of,—

- (a) the City of Sarnia;
- (b) the towns of Forest, Petrolia;
- (c) the villages of Alvinston, Arkona, Courtright, Oil Springs, Point Edward, Thedford, Watford, Wyoming;
- (d) the townships of,

Bosanquet,	Sarnia,
Brooke,	Sombra, including Wal-
Dawn,	pole Island, St. Anne's
Enniskillen,	Island and the other
Euphemia,	islands at the mouth
Moore,	of the St. Clair River,
Plympton,	Warwick.

19.—THE COUNTY OF LANARK

Lanark.

shall consist of,—

- (a) the towns of Almonte, Carleton Place, Perth;
- (b) the separated Town of Smith's Falls;

(c) the Village of Lanark;

(d) the townships of,

Bathurst,	Lavant,
Beckwith,	Montague,
Dalhousie and North	North Burgess,
Sherbrooke,	North Elmsley,
Darling,	Pakenham,
Drummond,	Ramsay,
Lanark,	South Sherbrooke.

Leeds.

20.—THE COUNTY OF LEEDS

shall consist of,—

(a) the separated towns of Brockville, Gananoque;

(b) the villages of Athens, Newboro', Westport;

(c) the townships of,

Bastard and South	North Crosby,
Burgess,	Rear of Leeds and Lans-
Elizabethtown,	downe,
Front of Escott,	Rear of Yonge and
Front of Leeds and	Escott,
Lansdowne,	South Crosby,
Front of Yonge,	South Elmsley.
Kitley,	

Lennox and
Addington.

21.—THE COUNTY OF LENNOX AND ADDINGTON

shall consist of,—

(a) the Town of Napanee;

(b) the villages of Bath, Newburgh;

(c) the townships of,

Adolphustown,	Kaladar, Anglesea and
Amherst Island,	Effingham,
Camden,	North Fredericksburgh,
Denbigh, Abinger and	Richmond,
Ashby,	Sheffield,
Ernestown,	South Fredericksburgh.

Lincoln.

22.—THE COUNTY OF LINCOLN

shall consist of,—

(a) the City of St. Catharines;

- (b) the towns of Grimsby, Merritton, Niagara, Port Dalhousie;
- (c) the Village of Beamsville;
- (d) the townships of,

Caistor,	Louth,
Clinton,	Niagara,
Gainsborough,	North Grimsby,
Grantham,	South Grimsby.

23.—THE COUNTY OF MIDDLESEX

Middlesex.

shall consist of,—

- (a) the City of London;
- (b) the towns of Parkhill, Strathroy;
- (c) the villages of Ailsa Craig, Glencoe, Lucan, Newbury, Wardsville;
- (d) the townships of,

Adelaide,	McGillivray,
Biddulph,	Metcalfe,
Caradoc,	Mosa,
Delaware,	North Dorchester,
East Williams,	Westminster,
Ekfrid,	West Nissouri,
Lobo,	West Williams.
London,	

24.—THE COUNTY OF NORFOLK

Norfolk.

shall consist of,—

- (a) the Town of Simcoe;
- (b) the villages of Delhi, Port Dover, Port Rowan, Waterford;
- (c) the townships of,

Charlotteville,	South Walsingham,
Houghton,	Townsend,
Middleton,	Windham,
North Walsingham,	Woodhouse.

[NOTE: *As to municipal and school purposes in Long Point Park in the Township of South Walsingham, see The Long Point Park Act, Rev. Stat., c. 96, esp. s. 23.*]

25.—THE COUNTY OF NORTHUMBERLAND

Northumberland.

shall consist of,—

- (a) the towns of Campbellford, Cobourg;

(b)

(b) the villages of Brighton, Colborne, Hastings;

(c) the townships of,

Alnwick,	Murray,
Brighton,	Percy,
Cramahe,	Seymour,
Haldimand,	South Monaghan.
Hamilton,	

[NOTE: *As to municipal and school purposes in Presqu'ile Park in the Township of Brighton, see The Presqu'ile Park Act, Rev. Stat., c. 97, esp. s. 23.*]

Ontario.

26.—THE COUNTY OF ONTARIO

shall consist of,—

(a) the City of Oshawa;

(b) the towns of Uxbridge, Whitby;

(c) the villages of Beaverton, Cannington, Port Perry;

(d) the townships of,

Brock,	Scott,
East Whitby,	Scugog,
Mara,	Thorah (including Can-
Pickering,	ise or Thorah Island),
Rama,	Uxbridge,
Reach,	Whitby.

Oxford.

27.—THE COUNTY OF OXFORD

shall consist of,—

(a) the City of Woodstock;

(b) the Town of Tillsonburg;

(c) the separated Town of Ingersoll;

(d) the villages of Embro, Norwich, Tavistock;

(e) the townships of,

Blandford,	North Norwich,
Blenheim,	North Oxford,
Dereham,	South Norwich,
East Nissouri,	West Oxford,
East Oxford,	West Zorra.
East Zorra,	

Peel.

28.—THE COUNTY OF PEEL

shall consist of,—

(a) the Town of Brampton;

(b) the villages of Bolton, Port Credit, Streetsville;

(c) the townships of,

Albion,	Toronto,
Caledon,	Toronto Gore.
Chinguacousy,	

29.—THE COUNTY OF PERTH

Perth.

shall consist of,—

(a) the City of Stratford;

(b) the towns of Listowel, Mitchell;

(c) the separated Town of St. Mary's;

(d) the Village of Milverton;

(e) the townships of,

Blanshard,	Hibbert,
Downie (including the	Logan,
Gore of Downie),	Mornington,
Ellice,	North Easthope,
Elma,	South Easthope,
Fullarton,	Wallace.

30.—THE COUNTY OF PETERBOROUGH

Peter-
borough.

shall consist of,—

(a) the City of Peterborough;

(b) the villages of Havelock, Lakefield, Norwood;

(c) the townships of,

Asphodel,	Ennismore,
Belmont and Methuen,	Galway and Cavendish,
Burleigh and An-	Harvey,
struther,	North Monaghan,
Chandos,	Otonabee,
Douro,	Smith.
Dummer,	

31.—THE COUNTY OF PRESCOTT

Prescott.

shall consist of,—

(a) the towns of Hawkesbury, Vankleek Hill;

(b) the Village of L'Orignal;

- (c) the townships of,
 Alfred, North Plantagenet,
 Caledonia, South Plantagenet,
 East Hawkesbury, West Hawkesbury.
 Longueuil,

Prince
Edward.

32.—THE COUNTY OF PRINCE EDWARD

shall consist of,—

- (a) the Town of Picton;
 (b) the villages of Bloomfield, Wellington;
 (c) the townships of,
 Ameliasburgh, North Marysburgh,
 Athol, Sophiasburgh,
 Hallowell, South Marysburgh.
 Hillier,

Renfrew.

33.—THE COUNTY OF RENFREW

shall consist of,—

- (a) the towns of Arnprior, Pembroke, Renfrew;
 (b) the villages of Barry's Bay, Braeside, Cobden, Eganville, Killaloe Station;
 (c) the townships of,
 Admaston, Pembroke,
 Alice and Fraser, Petawawa,
 Bagot and Blithfield, Radcliffe,
 Bromley, Raglan,
 Brougham, Rolph, Buchanan,
 Brudenell and Lyndoch, Wylie and McKay,
 Grattan, Ross,
 Griffith and Mata- Sebastopol,
 watchan, Sherwood, Jones and
 Hagarty and Richards, Burns,
 Head, Clara and Maria, South Algona,
 Horton, Stafford,
 McNab, Westmeath,
 North Algona, Wilberforce.

Russell.

34.—THE COUNTY OF RUSSELL

shall consist of,—

- (a) the Town of Rockland;

(b) the Village of Casselman;

(c) the townships of,
Cambridge,
Clarence,

Cumberland,
Russell.

35.—THE COUNTY OF SIMCOE

Simcoe.

shall consist of,—

(a) the towns of Alliston, Barrie, Collingwood, Midland,
Orillia, Penetanguishene, Stayner;

(b) the villages of Beeton, Bradford, Coldwater, Creemore, Elmvale, Port McNicoll, Tottenham, Victoria Harbour;

(c) the Improvement District of Wasaga Beach;

(d) the townships of,

Adjala,

Essa,

Flos,

Innisfil,

Matchedash,

Medonte,

Nottawasaga,

Orillia,

Oro,

Sunnidale,

Tay,

Tecumseth,

Tiny,

Tosorontio,

Vespra,

West Gwillimbury.

36.—THE COUNTY OF STORMONT

Stormont.

shall consist of,—

(a) the City of Cornwall;

(b) the Village of Finch;

(c) the townships of,

Cornwall,

Finch,

Osnabruck,

Roxborough.

37.—THE COUNTY OF VICTORIA

Victoria.

shall consist of,—

(a) the Town of Lindsay;

(b) the villages of Bobcaygeon, Fenelon Falls, Omemee,
Sturgeon Point, Woodville;

(d) the townships of,

Arthur,	Nichol,
Eramosa,	Peel,
Erin,	Pilkington,
Guelph,	Puslinch,
Maryborough,	West Garafraxa,
Minto,	West Luther.

41.—THE COUNTY OF WENTWORTH

Wentworth.

shall consist of,—

(a) the City of Hamilton;

(b) the Town of Dundas;

(c) the villages of Stoney Creek, Waterdown;

(d) the townships of,

Ancaster,	East Flamborough,
Barton,	Glanford,
Beverly,	Saltfleet,
Binbrook,	West Flamborough.

[NOTE: For special provisions as to municipal, school and judicial purposes in Burlington Beach in the Township of Saltfleet, see *The Burlington Beach Act*, Rev. Stat., c. 95, esp. s. 4.]

42.—THE COUNTY OF YORK

York.

shall consist of,—

(a) the City of Toronto;

(b) the towns of Aurora, Leaside, Mimico, Newmarket, New Toronto, Weston;

(c) the villages of Forest Hill, Long Branch, Markham, Richmond Hill, Stouffville, Sutton, Swansea, Woodbridge;

(d) the townships of,

East Gwillimbury,	North Gwillimbury,
East York,	North York,
Etobicoke,	Scarborough,
Georgina,	Vaughan,
King,	Whitchurch,
Markham,	York.

43.—THE PROVISIONAL COUNTY OF HALIBURTON Haliburton

shall consist of the townships of,—

Anson, Hindon and
Minden,
Cardiff,
Dysart, Bruton, Clyde,
Dudley, Eyre, Guil-
ford, Harburn, Har-
court and Havelock,
Glamorgan,

Lutterworth,
Monmouth,
Sherborne, McClintock,
Livingstone, Law-
rence and Night-
ingale,
Snowdon,
Stanhope.

[NOTE: *As to judicial purposes see The Haliburton Act, Rev. Stat., c. 4.*]

Algoma.

44.—THE TERRITORIAL DISTRICT OF ALGOMA

shall consist of,—

(a) the City of Sault Ste. Marie;

(b) the towns of Blind River, Bruce Mines, Nesterville, Thessalon;

(c) the Village of Hilton Beach;

(d) the geographic townships of,

A,	C,	Doherty,
Abbott,	Carney,	Doucett,
Aberdeen,	Challener,	Downer,
Aberdeen	Champlain,	Dowsley,
Additional,	Chelsea,	Drew,
Abigo,	Chesley,	Duncan,
Acton,	Chesley Additional,	E,
Alderson,	Cholette,	Ebbs,
Allenby,	Clouston,	Elgie,
Amik,	Cobden,	Ericson,
Amundsen,	Coderre,	Ermine,
Anderson,	Common,	Esten,
Archibald,	Concobar,	F,
Arnott,	Conking,	Farquhar,
Awenge,	Cooper,	Fenwick,
Aweres,	Cromlech,	Fisher,
B,	Cross,	Flanders,
Bayfield,	Cudney,	Foch,
Beaton,	Curtis,	Frances,
Bourinot,	D,	Franz,
Breckenridge,	Davin,	Frost,
Bridgland,	Day,	G,
Bright,	Deagle,	Galbraith,
Bright Additional,	Dennis,	Gaudette,
Buchan,	Deroche,	Gillmor,
Byng,	Derry,	Gladstone,

Glasgow,	Magone,	S,
Gould,	Makawa,	St. Joseph,
Gourlay,	Marjorie,	St. Julien,
Grasett,	Marne,	Scarfe,
H,	Martin,	Scholfield,
Haig,	Matthews,	Shanly,
Hambleton,	Maude,	Shedden,
Haughton,	McEwing,	Shields,
Havilland,	McFarlan,	Simpson,
Hawkins,	McGiverin,	Spragge,
Hayward,	McMahon,	Stefansson,
Herrick,	Meath,	Strickland,
Hiawatha,	Mercer,	Striker,
Hilton,	Meredith,	T,
Hodgins,	Mildred,	Talbott,
Home,	Minnipuka,	Tarbutt,
Hook,	Mons,	Tarbutt Additional,
Hunt,	Montgomery,	Tarentorus,
I,	Moorehouse,	Tedder,
Irving,	Morin,	Templeton,
J,	Mosambik,	Tennyson,
Jarvis,	N,	Thessalon,
Jocelyn,	Nagagami,	Thompson,
Johns,	Nameigos,	Tilley,
Johnson,	Nebotik,	Tilston,
K,	Newlands,	Tupper,
Kapusksing,	O,	U,
Kars,	Odlum,	Usnac,
Kehoe,	Opazatika,	V,
Kildare,	Oscar,	VanKoughnet,
Kincaid,	Otter,	Victoria,
Kirkwall,	P,	W,
Kirkwood,	Palmer,	Walls,
Korah,	Parke,	Wells,
L,	Parkinson,	Welsh,
Laird,	Patton,	Whitman,
Larkin,	Pearkes,	Wicksteed,
Lascelles,	Pelletier,	Winget,
Lefroy,	Pennefather,	Woolrich,
Legge,	Plummer,	X,
Lerwick,	Plummer	Y,
Lessard,	Additional,	Z,
Lewis,	Prince,	Tp. 1A,
Ley,	Proctor,	Tp. 1B,
Lipton,	Puskuta,	Tp. 1C,
Lizar,	Q,	Tp. 1D,
Long,	R,	Tp. 1E,
Lougheed,	Radisson,	Tp. 1F,
M,	Roche,	Tp. 2A,
Macdonald,	Rose,	Tp. 2B,
Mack,	Ryan,	Tp. 2C,

Tp. 2D,	Tp. 52,	Tp. 23, Range 12,
Tp. 2E,	Tp. 53,	Tp. 23, Range 13,
Tp. 2F,	Tp. 54,	Tp. 23, Range 14,
Tp. 3A,	Tp. 55,	Tp. 24, Range 11,
Tp. 3B,	Tp. 56,	Tp. 24, Range 12,
Tp. 3C,	Tp. 61,	Tp. 24, Range 13,
Tp. 3D,	Tp. 62,	Tp. 24, Range 14,
Tp. 3E,	Tp. 63,	Tp. 24, Range 15,
Tp. 3F,	Tp. 64,	Tp. 24, Range 16,
Tp. 3G,	Tp. 65,	Tp. 24, Range 17,
Tp. 3H,	Tp. 66,	Tp. 24, Range 18,
Tp. 4A,	Tp. 123,	Tp. 24, Range 19,
Tp. 4B,	Tp. 124,	Tp. 24, Range 20,
Tp. 4C,	Tp. 125,	Tp. 24, Range 21,
Tp. 4D,	Tp. 129,	Tp. 24, Range 22,
Tp. 4E,	Tp. 130,	Tp. 24, Range 23,
Tp. 4F,	Tp. 131,	Tp. 24, Range 24,
Tp. 4G,	Tp. 132,	Tp. 25, Range 12,
Tp. 4H,	Tp. 137,	Tp. 25, Range 13,
Tp. 5A,	Tp. 138,	Tp. 25, Range 14,
Tp. 5B,	Tp. 139,	Tp. 25, Range 15,
Tp. 5C,	Tp. 143,	Tp. 25, Range 16,
Tp. 5D,	Tp. 144,	Tp. 25, Range 17,
Tp. 5E,	Tp. 145,	Tp. 25, Range 18,
Tp. 5F,	Tp. 149,	Tp. 25, Range 19,
Tp. 5G,	Tp. 150,	Tp. 25, Range 20,
Tp. 5H,	Tp. 151,	Tp. 25, Range 21,
Tp. 6A,	Tp. 155,	Tp. 25, Range 22,
Tp. 6B,	Tp. 156,	Tp. 25, Range 23,
Tp. 6C,	Tp. 157,	Tp. 25, Range 24,
Tp. 6D,	Tp. 161,	Tp. 25, Range 25,
Tp. 6E,	Tp. 162,	Tp. 25, Range 26,
Tp. 6F,	Tp. 163,	Tp. 26, Range 12,
Tp. 6G,	Tp. 167,	Tp. 26, Range 13,
Tp. 6H,	Tp. 168,	Tp. 26, Range 14,
Tp. 7A,	Tp. 169,	Tp. 26, Range 15,
Tp. 7B,	Tp. 175,	Tp. 26, Range 16,
Tp. 7C,	Tp. 176,	Tp. 26, Range 17,
Tp. 7D,	Tp. 182,	Tp. 26, Range 18,
Tp. 7E,	Tp. 188,	Tp. 26, Range 19,
Tp. 7F,	Tp. 195,	Tp. 26, Range 20,
Tp. 7G,	Tp. 196,	Tp. 26, Range 21,
Tp. 7H,	Tp. 201,	Tp. 26, Range 22,
Tp. 7Z,	Tp. 202,	Tp. 26, Range 23,
Tp. 43,	Tp. 22, Range 10,	Tp. 26, Range 24,
Tp. 45,	Tp. 22, Range 11,	Tp. 26, Range 25,
Tp. 46,	Tp. 22, Range 12,	Tp. 26, Range 26,
Tp. 47,	Tp. 22, Range 13,	Tp. 27, Range 12,
Tp. 48,	Tp. 22, Range 14,	Tp. 27, Range 13,
Tp. 49,	Tp. 23, Range 10,	Tp. 27, Range 14,
Tp. 51,	Tp. 23, Range 11,	Tp. 27, Range 16,

Tp. 27, Range 17,	Tp. 28, Range 27,	Tp. 30, Range 26,
Tp. 27, Range 18,	Tp. 29, Range 14,	Tp. 30, Range 27,
Tp. 27, Range 19,	Tp. 29, Range 15,	Tp. 31, Range 18,
Tp. 27, Range 20,	Tp. 29, Range 16,	Tp. 31, Range 19,
Tp. 27, Range 21,	Tp. 29, Range 17,	Tp. 31, Range 20,
Tp. 27, Range 22,	Tp. 29, Range 18,	Tp. 31, Range 21,
Tp. 27, Range 23,	Tp. 29, Range 19,	Tp. 31, Range 22,
Tp. 27, Range 24,	Tp. 29, Range 20,	Tp. 31, Range 23,
Tp. 27, Range 25,	Tp. 29, Range 21,	Tp. 31, Range 24,
Tp. 27, Range 26,	Tp. 29, Range 22,	Tp. 31, Range 25,
Tp. 28, Range 13,	Tp. 29, Range 23,	Tp. 31, Range 26,
Tp. 28, Range 14,	Tp. 29, Range 24,	Tp. 31, Range 27,
Tp. 28, Range 15,	Tp. 29, Range 25,	Tp. 32, Range 23,
Tp. 28, Range 16,	Tp. 29, Range 26,	Tp. 32, Range 24,
Tp. 28, Range 17,	Tp. 29, Range 27,	Tp. 32, Range 25,
Tp. 28, Range 18,	Tp. 30, Range 17,	Tp. 32, Range 26,
Tp. 28, Range 19,	Tp. 30, Range 18,	Tp. 32, Range 27,
Tp. 28, Range 20,	Tp. 30, Range 19,	Tp. 32, Range 28,
Tp. 28, Range 21,	Tp. 30, Range 20,	Tp. 33, Range 23,
Tp. 28, Range 22,	Tp. 30, Range 21,	Tp. 33, Range 24,
Tp. 28, Range 23,	Tp. 30, Range 22,	Tp. 33, Range 25,
Tp. 28, Range 24,	Tp. 30, Range 23,	Tp. 33, Range 26,
Tp. 28, Range 25,	Tp. 30, Range 24,	Tp. 33, Range 27,
Tp. 28, Range 26,	Tp. 30, Range 25,	Tp. 33, Range 28,

together with all the remaining territory included within the following limits:—

Commencing at the southwest corner of the Township of Clavet; thence south astronomically to the southwest corner of the Township of Johns; thence east along the south boundary of the Township of Johns to the northwest corner of the Township of Common; thence south along the west boundaries of the Townships of Common and Hunt to the southwest corner of the last-mentioned Township; thence west along the south boundary of the Township of Knowles to O.L.S. Speight's meridian of 1902; thence south along O.L.S. Speight's meridian of 1902 and its southerly production to the International Boundary; thence southeasterly and easterly following the said International Boundary through Lake Superior, the St. Mary River and the expansions thereof and the North Channel of Lake Huron to an angle of the said International Boundary in the North Channel of Lake Huron between Cockburn Island and Drummond Island; thence easterly in a straight line through the North Channel of Lake Huron to a point distant one and one-half miles south astronomically from the southwest extremity of Kenny Point of Innes Island; thence north 55° east astronomically five miles; thence east astronomically three miles; thence south 36° east astronomically five and one-half miles; thence northeasterly in a straight line to a point in the water's edge of the

North Channel of Lake Huron at the intersection of the production southerly of the west boundary of the Township of Harrow; thence north and northeasterly along the west boundary of the Township of Harrow to the southeast corner of the Township of Salter; thence westerly, southerly and westerly along the south boundary of the Township of Salter to the southeast corner of the Township of Victoria; thence north along the east boundary of the said Township to the northeast corner thereof; thence east along the south boundary of the Township of Tennyson to the southeast corner of the said Township; thence north astronomically to the northeast corner of Township numbered 125; thence east along the south boundary of Township "A" to the southeast corner thereof; thence north astronomically to the northeast corner of Township "D"; thence west astronomically to the northwest corner of Township "T"; thence north astronomically to the northeast corner of Township 7Z; thence west astronomically to the northeast corner of Township 23, Range 14; thence north astronomically to the northeast corner of Township 24, Range 22; thence west astronomically to the southwest corner of Township 24, Range 23; thence north astronomically to the northeast corner of the Township of Meath; thence east astronomically to the southeast corner of the Township of Lougheed; thence north astronomically to the northeast corner of the Township of Shanly; thence west astronomically to the southeast corner of the Township of Scholfield; thence north along the east boundaries of the Townships of Scholfield and Ebbs to the northeast corner of the last-mentioned Township; thence west astronomically to the northeast corner of the Township of Dowsley; thence north along the east boundaries of the Townships of McEwing and Arnott to the northeast corner of the last-mentioned Township; thence west astronomically to the southwest corner of the Township of Clavet, the point of commencement.

Provisional
Judicial
District of
Algoma.

The Territorial District of Algoma shall form the Provisional Judicial District of Algoma.

Boundary
line between
municipali-
ties of
Johnson,
etc., and
Plummer
defined.

The westerly boundary of the Huron Copper Bay and Mining Company's location is and has always been since the 25th day of April, 1890, the true and correct boundary line between the municipalities of Johnson, Tarbutt and Tarbutt Additional and the municipality of Plummer Additional.

Cochrane,

45.—THE TERRITORIAL DISTRICT OF COCHRANE shall consist of,—

- (a) the towns of Cochrane, Hearst, Iroquois Falls, Kapuskasing, Matheson, Smooth Rock Falls, Timmins;

(b) the geographic townships of,

Abbotsford,	Calvert,	Fauquier,
Acres,	Canfield,	Fenton,
Adair,	Cargill,	Fergus,
Adanac,	Carman,	Findlay,
Agassiz,	Carmichael,	Fintry,
Agate,	Carnegie,	Fleck,
Aitken,	Caron,	Ford,
Alexandra,	Carr,	Fortune,
Amery,	Carroll,	Fournier,
Ardagh,	Carscallen,	Fox,
Aubin,	Carss,	Frecheville,
Auden,	Case,	Freele,
Aurora,	Casgrain,	Fryatt,
Avon,	Casselman,	Fushimi,
Bannerman,	Challies,	Gaby,
Barker,	Chipman,	Galna,
Barlow,	Glavet,	Ganong,
Barnet,	Clay,	Garden,
Beardmore,	Clergue,	Gardiner,
Beatty,	Clive,	Garrison,
Beck,	Clute,	Geary,
Belford,	Cockshutt,	Gentles,
Beniah,	Cody,	German,
Berry,	Colquhoun,	Gill,
Bessborough,	Cook,	Glackmeyer,
Bicknell,	Côte,	Godfrey,
Birdsall,	Coulson,	Goldwin,
Blakelock,	Crawford,	Goodwin,
Blount,	Cumming,	Gowan,
Bond,	Currie,	Greer,
Bonis,	Dargavel,	Griffin,
Bourassa,	Deloro,	Guibord,
Bowman,	Dempsay,	Guilfoyle,
Bowyer,	De Pencier,	Gurney,
Boyce,	Devitt,	Habel,
Boyle,	Dokis,	Haggart,
Bradburn,	Duff,	Haight,
Bradette,	Dundona'd,	Hambly,
Bradley,	Dunsmore,	Hamlet,
Bragg,	Dyer,	Haney,
Brain,	Ebbitt,	Hanlan,
Bristol,	Ecclestone,	Hanna,
Brower,	Edwards,	Harewood,
Burrell,	Egan,	Harker,
Burritt,	Eilber,	Harmon,
Burstall,	Elliott,	Heath,
Byers,	Emerson,	Hecla,
Caithness,	Enid,	Heighington,
Calder,	Evelyn,	Henderson,

Henley,	Macdiarmid,	Nettleton,
Hepburn,	Machin,	Newman,
Hicks,	Macklem,	Newmarket,
Hillmer,	Macvicar,	Nixon,
Hislop,	Magladery,	Noseworthy,
Hoblitzell,	Mahaffy,	Nova,
Hobson,	Maher,	O'Brien,
Hogg,	Mahoney,	Ogden,
Holloway,	Mann,	Oke,
Homuth,	Marathon,	Ophir,
Hopkins,	Marceau,	Orkney,
Horden,	Marriott,	Ossin,
Howells,	Marven,	Ottaway,
Hoyle,	Massey,	Owens,
Hurdman,	Matheson,	Parliament,
Hurtubise,	Maund,	Parnell,
Idington,	McAlpine,	Parr,
Inglis,	McBrien,	Pearce,
Ireland,	McCann,	Pickett,
Irish,	McCart,	Pinard,
Jamieson,	McCausland,	Pitt,
Jessop,	McCoig,	Playfair,
Kendall,	McCool,	Pliny,
Kendrey,	McCowan,	Potter,
Kennedy,	McCrea,	Poulett,
Kenning,	McCuaig,	Prosser,
Kerrs,	McKnight,	Purvis,
Kidd,	McLeister,	Pyne,
Kilmer,	McMillan,	Rand,
Kineras,	McQuibban,	Rapley,
Kingsmill,	Menapia,	Raven,
Kipling,	Mewhinney,	Raynar,
Kirkland,	Michaud,	Reaume,
Knox,	Milligan,	Reid,
Kohler,	Moberly,	Rickard,
Laidlaw,	Montcalm,	Ritchie,
Lamarche,	Moody,	Robb,
Lambert,	Moose,	Roebuck,
Lamplugh,	Morrow,	Rogers,
Landry,	Mortimer,	Rowlandson,
Langemarck,	Mountjoy,	Rykert,
Laughton,	Mowbray,	St. John,
Leitch,	Mulholland,	St. Laurent,
Lennox,	Mulloy,	Sanborn,
Lewers,	Mulvey,	Sanderson,
Lisgar,	Munro,	Sangster,
Little,	Murphy,	Sankey,
Loveland,	Nansen,	Sargeant,
Lowther,	Nassau,	Scapa,
Lucas,	Neely,	Scovil,
Mabee,	Nesbitt,	Seaton,

Seguin,	Stringer,	Tucker,
Selwyn,	Studholme,	Tully,
Shackleton,	Sulman,	Turnbull,
Shannon,	Sutcliffe,	Tweed,
Shaw,	Swanson,	Valentine,
Shearer,	Swartman,	Verdun,
Sheldon,	Sweatman,	Wacousta,
Sheraton,	Sweet,	Wadsworth,
Sherring,	Sydere,	Walker,
Shetland,	Syer,	Warden,
Shuel,	Tannahill,	Wark,
Singer,	Taylor,	Watson,
Slack,	Teefy,	Way,
Stapells,	Teetzel,	Webster,
Staples,	Thackeray,	Weichel,
Staunton,	Thomas,	Wesley,
Steele,	Thorburn,	Whitesides,
Stimson,	Thorning,	Whitney,
Stock,	Tisdale,	Wilhelmina,
Stoddart,	Tolmie,	Wilkie,
Storey,	Tomlinson,	Williamson,
Stoughton,	Torrance,	Winnington,
Strachan,	Traill,	Wright,

together with all the remaining territory included within the following limits:—

Commencing at the southwest corner of the Township of Clavet; thence north along the west boundaries of the Townships of Clavet and Boyce to the northwest corner of the last-mentioned Township; thence west along the south boundaries of the Townships of Henderson, Selwyn, Barlow, Goodwin, Chipman and Raynar to the southwest corner of the last-mentioned Township; thence north along the meridian run by O.L.S. Speight and van Nostrand in 1925 and its northerly production to the centre of the main channel of the Albany River; thence easterly, northerly and north-easterly along the centre of the main channel of the Albany River and the expansions thereof to the shore of James Bay; thence southeasterly, southerly, easterly and northeasterly along the shore of James Bay to its intersection with the Interprovincial Boundary between Ontario and Quebec; thence southerly along the said Interprovincial Boundary to the southeast corner of the Township of Dokis; thence west astronomically to the southwest corner of the Township of Whitesides; thence north along the west boundary of the Township of Whitesides to the northwest corner thereof; thence west astronomically to the southwest corner of the Township of Ossin; thence north astronomically to the northwest corner of the Township of Staples; thence west astronomically to the southwest corner of the Township of

Caithness; thence north along the west boundaries of the Townships of Caithness and Orkney to the northwest corner of the Township of Orkney; thence west astronomically to the southwest corner of the Township of Langemarck; thence north astronomically along the west boundary of the Townships of Langemarck and Storey to the northwest corner of the last-mentioned Township; thence west astronomically to the southwest corner of the Township of Clavet, the point of commencement.

Provisional
Judicial
District of
Cochrane.

The Territorial District of Cochrane shall form the Provisional Judicial District of Cochrane.

Kenora.

46.—THE TERRITORIAL DISTRICT OF KENORA

shall consist of,—

(a) the towns of Dryden, Keewatin, Kenora, Sioux Lookout;

(b) the geographic townships of,

Aubrey,	Ewart,	Malachi,
Avery,	Factor,	Manross,
Barrett,	Forgie,	McAree,
Benedickson,	Furniss,	McGeorge,
Big Island,	Gidley,	McIlraith,
Boys,	Glass,	McMeekin,
Bradshaw,	Godson,	McNevin,
Breithaupt,	Gour,	Melgund,
Bridges,	Grummett,	Melick,
Britton,	Gundy,	Mutrie,
Broderick,	Hartman,	Noyon,
Brownridge,	Haycock,	Osaquan,
Buller,	Hodgson,	Pelican,
Burk,	Hyndman,	Pellatt,
Cathcart,	Ignace,	Pettypiece,
Chartrand,	Ilsey,	Phillips,
Code,	Jackman,	Pickerel,
Colenso,	Jaffray,	Redditt,
Corman,	Jordan,	Redvers,
Coyle,	Kirkup,	Revell,
Daniel,	Ladysmith,	Rice,
Desmond,	Langton,	Rowell,
Devonshire,	Laval,	Rudd,
Dewan,	le May,	Rugby,
Docker,	Lomond,	Sanford,
Drayton,	MacFie,	Satterly,
Drope,	MacNicol,	Skey,
Echo,	MacQuarrie,	Slaght,
Eton,	Mafeking,	Smellie,

Southworth,	Van Horne,	Wauchope,
Stokes,	Vermilion,	Webb,
Temple,	Vermilion	Willingdon,
Tustin,	Additional,	Work,
Tweedsmuir,	Wabigoon,	Zealand,
Umbach,	Wainwright,	

together with all the remaining territory included within the following limits:—

Commencing at the 48th mile post on O.L.S. Niven's meridian line of 1890 in latitude $49^{\circ} 0' 6''$ north; thence due west 89 miles, 71 chains, 7 links more or less to the 18th mile post on O.L.S. Alexander Niven's 6th meridian line; thence due north along the said meridian line 6 miles to the 24th mile post thereon; thence due west along O.L.S. Gillon's base line of 1919 to the southeast angle of the Township of Godson and continuing west along the south boundary of the Township of Godson to the east shore of Sabaskong Bay of Lake of the Woods; thence westerly and southwesterly along the south shore of the said bay and along the east shore of the Lake of the Woods to where the same is intersected by the 49th degree parallel of north latitude; thence due west 15 miles more or less to the International Boundary between the Dominion of Canada and the United States of America; thence northerly and westerly along the said International Boundary to the Interprovincial Boundary between Ontario and Manitoba; thence due north along the said last-mentioned boundary to the middle of the main channel of the Winnipeg River; thence easterly upstream along the middle of the main channel of the Winnipeg and English Rivers and the lake expansions and along the middle of Lac Seul and Root River to the portage on the height of land; thence along the middle of the said portage to the waters flowing into Lake St. Joseph; thence along the middle of the main channel of Lake St. Joseph to O.L.S. Dobie's meridian line run in 1919; thence due south along the said last-mentioned meridian line and along O.L.S. Niven's meridian line run in 1890 to the point of commencement; and

(c) the Patricia Portion which shall consist of the geographic townships of,

Agnew,	Byshe,	Goodall,
Baird,	Connell,	Graves,
Ball,	Corless,	Heyson,
Balmer,	Costello,	Honeywell,
Bateman,	Dent,	Killala,
Belanger,	Dome,	Knott,
Birkett,	Earngey,	McCullagh,
Bowerman,	Fairlie,	McDonough,

McNaughton,
Mitchell,
Mulcahy,

Ponsford,
Ranger,
Shaver,

Skinner,
Todd,
Willans,

together with all the remaining territory included within the following limits:—

Commencing at the most northerly point of the westerly boundary of Ontario as determined by *The Canada (Ontario) Boundary Act, 1889*, Chapter 28, of the Statutes of 1889 of the United Kingdom (the said westerly boundary being the easterly boundary of Manitoba); thence continuing due north along the same meridian to the intersection thereof with the centre of the road allowance on the twelfth base line of the system of Dominion Land Surveys; thence northeasterly in a right line to the most eastern point of Island Lake as shown in approximate latitude 53° 44' and longitude 93° 40' on the "Berens River" map sheet No. 53 S.W. of the National Topographic Series of Canada, published on the scale of eight miles to one inch, in the year 1943, by the authority of the Minister of Mines and Resources; thence northeasterly in a right line to the point where the eighty-ninth meridian of west longitude intersects the southern shore of Hudson Bay; thence easterly and southerly following the shore of the said Bay to the point where the northerly boundary of Ontario as established under the said Act intersects the shore of James Bay; thence westward along the said boundary as established by the said Act to the place of commencement. (*See 1912, c. 3.*)

[NOTE: *As to provision for the administration of justice, registration of instruments, etc., in Patricia, see The Patricia Act, Rev. Stat., c. 5.*]

Provisional
Judicial
District of
Kenora.

The Territorial District of Kenora shall form the Provisional Judicial District of Kenora.

Manitoulin.

47.—THE TERRITORIAL DISTRICT OF MANITOULIN

shall consist of,—

(a) the towns of Gore Bay, Little Current;

(b) the geographic townships of,

Allan,	Carlyle,	Killarney,
Assiginack,	Carnarvon,	Mills,
Barrie Island,	Cockburn Island,	Robinson,
Bidwell,	Dawson,	Rutherford,
Billings,	Gordon,	Sandfield,
Burpee,	Howland,	Sheguiandah,
Campbell,	Humboldt,	Tehkummah;

(c) the islands named,

Badgeley,	Great Cloche,	Sampson,
Bedford,	Green,	Squaw,
Burnt,	Heywood,	Strawberry,
Centre,	Hog,	Vankoughnet,
Clapperton,	Iroquois,	Vidal,
Club,	Little Cloche,	Wall,
Crescent,	Lonely,	Wardrope,
Duck,	Lucas,	Wells,
East Rous,	McGregor,	West Rous,
Fitzwilliam,	Philip Edward,	Yeo,
George,	Rabbit,	

together with all the remaining territory included within the following limits:—

Commencing at the southeast corner of the Township of Humboldt; thence south astronomically forty miles; thence west astronomically to the International Boundary; thence northwesterly and northeasterly along the said International Boundary to an angle therein in the North Channel of Lake Huron between Cockburn Island and Drummond Island; thence easterly in a straight line through the North Channel of Lake Huron to a point distant one and one-half miles south astronomically from the southwest extremity of Kenny Point of Innes Island; thence north 55° east astronomically, five miles; thence east astronomically three miles; thence south 36° east astronomically five and one-half miles; thence northeasterly in a straight line to a point in the water's edge of the North Channel of Lake Huron at the intersection of the production southerly of the west boundary of the Township of Harrow; thence easterly and southerly following the water's edge of the said channel to the north boundary of the west part of the unsurrendered portion of the Whitefish River Indian Reserve No. 4; thence east along the said boundary and its production to the water's edge of the North Channel of Lake Huron; thence northerly, easterly and southerly following the said water's edge to the north boundary of the Township of Killarney; thence east along the north boundaries of the Townships of Killarney and Carlyle to the northeast corner of the last-mentioned Township; thence south along the east boundary of the Township of Carlyle to the northwest corner of the Township of Humboldt; thence east along the north boundary of the said Township to the northeast corner thereof; thence south along the east boundary of the Township of Humboldt to the southeast corner thereof, the point of commencement.

The Territorial District of Manitoulin shall form the Provisional Judicial District of Manitoulin.

Provisional
Judicial
District of
Manitoulin.

Muskoka.

48.—THE TERRITORIAL DISTRICT OF MUSKOKA

shall consist of,—

(a) the towns of Bala, Bracebridge, Gravenhurst, Huntsville;

(b) the villages of Port Carling, Port Sydney, Windermere;

(c) the geographic townships of,

Baxter,	Macaulay,	Ridout,
Brunel,	McLean,	Ryde,
Cardwell,	Medora,	Sinclair,
Chaffey,	Monck,	Stephenson,
Draper,	Morrison,	Stisted,
Franklin,	Muskoka,	Watt,
Freeman,	Oakley,	Wood,
Gibson,		

together with the islands in the Georgian Bay lying west of the said territory and adjacent thereto, and the islands in the Severn River lying northerly of the middle of the main channel of the Severn River and adjacent to the Townships of Baxter, Wood and Morrison.

Provisional
Judicial
District of
Muskoka.

The Territorial District of Muskoka shall form the Provisional Judicial District of Muskoka.

Nipissing.

49.—THE TERRITORIAL DISTRICT OF NIPISSING

shall consist of,—

(a) the City of North Bay;

(b) the towns of Bonfield, Cache Bay, Mattawa, Sturgeon Falls;

(c) the geographic townships of,

Airy,	Bastedo,	Bower,
Anglin,	Beaucage,	Boyd,
Angus,	Belfast,	Briggs,
Antoine,	Bertram,	Bronson,
Askin,	Best,	Burnaby,
Aston,	Biggar,	Butler,
Badgerow,	Bishop,	Butt,
Ballantyne,	Blyth,	Caldwell,
Banting,	Bonfield,	Calvin,
Barron,	Boulter,	Cameron,

Canisbay,	Hammell,	Olive,
Canton,	Hartle,	Olrig,
Cassels,	Hebert,	Osborne,
Chambers,	Hobbs,	Osler,
Charlton,	Hugel,	Papineau,
Chisholm,	Hunter,	Pardo,
Clancy,	Joan,	Parkman,
Clarkson,	Jocko,	Paxton,
Clement,	Kenny,	Peck,
Commanda,	Kirkpatrick,	Pedley,
Crerar,	La Salle,	Pentland
Cynthia,	Latchford,	Phelps,
Dana,	Lauder,	Phyllis,
Deacon,	Law,	Postras,
Devine,	Le Roche,	Preston,
Dickens,	Lister,	Riddell,
Dickson,	Lockhart,	Sabine,
East Ferris,	Loudon,	Scholes,
Eddy,	Lyell,	Sisk,
Edgar,	Lyman,	Springer,
Eldridge,	Macpherson,	Sproule,
Falconer,	Master,	Stewart,
Fell,	Mattawan,	Strathcona,
Field,	McAuslan,	Strathy,
Finlayson,	McCallum,	Stratton,
FitzGerald,	McCraney,	Thistle,
Flett,	McLaren,	Torrington,
French,	McLaughlin,	Vegt,
Freswick,	McWilliams,	West Ferris,
Garrow,	Merrick,	White,
Gibbons,	Milne,	Widdifield,
Gladman,	Mulock,	Wilkes,
Gooderham,	Murchison,	Wyse,
Grant,	Niven,	Yates,
Guthrie,	Notman,	

together with all the remaining territory included within the following limits:—

Commencing at the southeast angle of the Township of Falconer; thence west along the south boundary of the said Township to the southwest corner thereof; thence north astronomically to the northwest corner of the Township of Macpherson; thence east along the north boundary of the Township of Macpherson to the southwest corner of the Township of Kirkpatrick; thence north astronomically to the northwest corner of the Township of Belfast; thence east along the north boundary of the Township of Belfast to the southwest corner of the Township of Le Roche; thence north along the west boundaries of the Townships of Le Roche and Canton to the northwest angle of the last-mentioned Town-

ship; thence east astronomically to the northeast corner of the Township of Best; thence south along the east boundaries of the Townships of Best and Cassels to the southeast corner of the last-mentioned Township; thence east along the north boundaries of the Townships of Eldridge and Hebert and its production easterly to the Interprovincial Boundary in Lake Timiskaming between Ontario and Quebec; thence along the said boundary southerly and southeasterly to the northeast angle of the Township of Cameron; thence southerly, westerly and southeasterly along the easterly boundaries of the Townships of Cameron and Deacon to the northwest angle of the Township of FitzGerald; thence easterly along the northerly boundary of the Township of FitzGerald to the northeast angle thereof; thence southerly along the easterly boundary of the Township of FitzGerald to the northwest angle of the Township of Edgar; thence easterly along the northerly boundary of the Township of Edgar to the northeast angle thereof; thence southerly along the easterly boundary of the Township of Edgar to the northwest angle of the Township of Bronson; thence easterly along the northerly boundary of the Township of Bronson to the northeast angle thereof; thence southerly along the easterly boundaries of the Townships of Bronson, Stratton and Master to the southeast angle of the last-mentioned Township; thence westerly along the southerly boundaries of the Townships of Master and Guthrie to the northeast angle of the Township of Dickens; thence southerly along the easterly boundary of the Township of Dickens to the southeast angle thereof; thence westerly along the southerly boundary of the Township of Dickens to the northeast angle of the Township of Lyell; thence southerly along the easterly boundary of the Township of Lyell to the southeast angle thereof; thence westerly along the southerly boundaries of the Townships of Lyell and Sabine to the southwest angle of the last-mentioned Township; thence northerly along the westerly boundaries of the Townships of Sabine and Airy to the northwest angle of the last-mentioned Township; thence westerly along the southerly boundaries of the Townships of Sproule, Canisbay, Peck and Finlayson to the southwest angle of the last-mentioned Township; thence northerly along the westerly boundary of the Township of Finlayson to the northwest angle thereof; thence easterly along the northerly boundary of the Township of Finlayson to the southwest angle of the Township of McCraney; thence northerly along the westerly boundaries of the Townships of McCraney, Butt, Paxton and Ballantyne to the northwest angle of the last-mentioned Township; thence easterly along the northerly boundary of the Township of Ballantyne to the southwest angle of the Township of Chisholm; thence northerly along the westerly boundaries of the Townships of Chisholm and East Ferris to the southerly boundary of the Township of West Ferris; thence westerly along the southerly

boundary of the Township of West Ferris to the water's edge of Lake Nipissing; thence westerly across Lake Nipissing in a straight line to a point in the middle of the main channel of the French River south of and off the easterly end of Blueberry Island; thence southwesterly along the centre lines of the main channel of the French River and that channel of the French River, to the north of Okikendawt Island to the production easterly of the south boundary of the Township of Latchford; thence west along the said production and continuing west along the south boundary of the Township of Latchford to the southeast angle of the Township of Falconer, the point of commencement.

The Territorial District of Nipissing shall form the Provisional Judicial District of Nipissing.

Provisional
Judicial
District of
Nipissing.

50.—THE TERRITORIAL DISTRICT OF PARRY SOUND

Parry Sound.

shall consist of,—

(a) the towns of Kearney, Parry Sound, Powassan, Trout Creek;

(b) the villages of Burk's Falls, Magnetawan, Rosseau, South River, Sundridge;

(c) the geographic townships of,

Armour,	Hagerman,	Monteith,
Bethune,	Hardy,	Mowat,
Blair,	Harrison,	Nipissing,
Brown,	Henvey,	North Himsworth,
Burpee,	Humphry,	Patterson,
Burton,	Joly,	Perry,
Carling,	Laurier,	Pringle,
Chapman,	Lount,	Proudfoot,
Christie,	Machar,	Ryerson,
Conger,	McConkey,	Shawanaga,
Cowper,	McDougall,	South Himsworth,
Croft,	McKellar,	Spence,
Ferguson,	McKenzie,	Strong,
Ferrie,	McMurrich,	Wallbridge,
Foley,	Mills,	Wilson,
Gurd,		

together with all the remaining territory included within the following limits:—

Commencing at the southwest corner of the Township of Conger; thence easterly along the southerly boundaries of the

Townships of Conger and Humphry to the southeast corner of the Township of Humphry; thence northerly along the easterly boundary of the Township of Humphry to the northeast corner of the said Township; thence easterly along the southerly boundaries of the Townships of Monteith, McMurich, Perry and Bethune to the southeast corner of the last-mentioned Township; thence northerly along the easterly boundaries of the Townships of Bethune, Proudfoot, Joly and Laurier to the northeast angle of the last-mentioned Township; thence easterly along the southerly boundary of the Township of South Himsworth to the southeast angle thereof; thence northerly along the easterly boundaries of the Townships of North Himsworth and South Himsworth to the northeast angle of the last-mentioned Township; thence westerly along the northerly boundary of the Township of North Himsworth to the water's edge of Lake Nipissing; thence westerly across Lake Nipissing in a straight line to a point in the centre of the main channel of the French River south of and off the easterly end of Blueberry Island; thence southwesterly along the centre lines of the main channel of the French River and that channel of the French River to the north of Okikendawt Island and along that channel of the French River that lies adjacent to the south boundaries of the Townships of Scollard, Mason, Bigwood, Allen and Struthers to the southerly production of the east boundary of the Township of Travers; thence north along said production to the water's edge of the said channel; thence southwesterly, westerly and southwesterly following the water's edge of the said channel and the water's edge of Georgian Bay of Lake Huron to the west boundary of the Township of Travers; thence easterly and southerly along the northerly and easterly shores of Georgian Bay to the southwest angle of the Township of Conger, the point of commencement, and including all islands lying opposite to the said northerly and easterly shores of Georgian Bay.

Provisional
Judicial
District of
Parry Sound.

The Territorial District of Parry Sound shall form the Provisional Judicial District of Parry Sound.

Rainy River.

51.—THE TERRITORIAL DISTRICT OF RAINY RIVER

shall consist of,—

(a) the towns of Fort Frances, Rainy River;

(b) the geographic townships of,

Asmussen,
Atwood,
Aylsworth,

Baker,
Barwick,
Bennett,

Blue,
Burris,
Carpenter,

Claxton,	Mather,	Roddick,
Croome,	Mathieu,	Roseberry,
Crozier,	McCaul,	Rowe,
Curran,	McCrosson,	Schwenger,
Dance,	McIrvine,	Senn,
Devlin,	McLarty,	Shenston,
Dewart,	Menary,	Sifton,
Dilke,	Miscampbell,	Spohn,
Dobie,	Morley,	Sutherland,
Farrington,	Morley Additional	Tait,
Fleming,	Morson,	Tanner,
Freeborn,	Nelles,	Tovell,
Griesinger,	Pattullo,	Trottier,
Halkirk,	Potts,	Watten,
Hutchinson,	Pratt,	Weaver,
Kingsford,	Ramsay Wright,	Woodyatt,
Lash,	Richardson,	Worthington,

together with all the remaining territory included within the following limits:—

Commencing where the westerly boundary of the District of Thunder Bay intersects the International Boundary between the Dominion of Canada and the United States of America in Saganaga Lake; thence due north along the said district boundary to the 48th mile post thereon in latitude $49^{\circ} 0' 6''$ north; thence due west 89 miles, 71 chains, 7 links, more or less to the 18th mile post on O.L.S. Alexander Niven's 6th meridian line; thence due north along the said meridian line 6 miles to the 24th mile post thereon; thence due west along O.L.S. Gillon's base line of 1919 to the northeast angle of the Township of McLarty and continuing west along the north boundaries of the Townships of McLarty and Claxton and the westerly production thereof to the east shore of Sabaskong Bay of the Lake of the Woods; thence westerly and south-westerly along the south shore of the said bay and along the east shore of the Lake of the Woods to where the same is intersected by the 49th degree parallel of north latitude; thence due west 15 miles more or less to the said International Boundary; thence southerly along the said International Boundary to the mouth of the Rainy River; thence southeasterly and easterly up the Rainy River along the said International Boundary to Rainy Lake; thence easterly, southerly and southeasterly following the said International Boundary through Rainy Lake and the several lakes, rivers and portages along the International Boundary, to the place of beginning.

The Territorial District of Rainy River shall form the Provisional Judicial District of Rainy River.

Provisional
Judicial
District of
Rainy River

Sudbury.

52.—THE TERRITORIAL DISTRICT OF SUDBURY

shall consist of,—

(a) the City of Sudbury;

(b) the towns of Capreol, Chelmsford, Coniston, Copper Cliff, Frood Mine, Levack, Massey, Webbwood;

(c) the geographic townships of,

Abbey,	Blamey,	Clifton,
Abney,	Blewett,	Cochrane,
Acadia,	Blezard,	Collins,
Acheson,	Bonar,	Collishaw,
Addison,	Borden,	Comox,
Admiral,	Botha,	Connaught,
Afton,	Bowell,	Coppell,
Alcona,	Brackin,	Copperfield,
Alcorn,	Breadner,	Cortez,
Allen,	Brebeuf,	Cosby,
Alton,	Broder,	Cosens,
Amyot,	Browning,	Cotton,
Antrim,	Brunswick,	Cox,
Appleby,	Brutus,	Craig,
Arbutus,	Buckland,	Creelman,
Arden,	Burrows,	Creighton,
Armagh,	Burwash	Crockett,
Asquith,	Busby,	Crothers,
Athlone,	Cabot,	Cunningham,
Attlee,	Caen,	Curtin,
Awrey,	Calais,	Dale,
Aylmer,	Capreol,	D'Arcy,
Bader,	Carew,	Davis,
Baldwin,	Carter,	de Gaulle,
Balfour,	Cartier,	Delamere,
Baltic,	Carty,	Delhi,
Barclay,	Cascaden,	Delmage.
Battersby,	Casimir,	DeMorest
Baynes,	Cavell,	Denison,
Beaumont,	Ceylon,	Dennie,
Beemer,	Chalet,	Denyes,
Benneweis,	Champagne,	DesRosiers
Benton,	Chapleau,	Dieppe,
Beresford,	Chaplin,	Dill,
Beulah,	Cherriman,	Dore,
Bevin,	Chester,	Dowling,
Bigelow,	Chewett,	Drury,
Biggs,	Churchill,	Dryden,
Bigwood,	Clary,	Dublin,
Biscotasi,	Cleland,	Dunbar,

Dundee,	Groves,	Kemp,
Dunlop,	Haddo,	Kenogaming,
Dunnet,	Haentschel,	Kilpatrick,
Durban,	Hagar,	Kitchener
Earl,	Halcrow,	Lackner,
Eden,	Halifax,	La Fleche,
Edinburgh,	Hall,	Lampman,
Edith,	Hallam,	Lang,
Eisenhower,	Halliday,	Laura,
Elizabeth,	Halsey,	Leask,
Ellis,	Hanmer,	Leeson,
Emerald,	Hardiman,	Leinster,
Emo,	Harrow,	Lemoine,
English,	Hart,	Levack
Eric,	Harty,	Lincoln
Ermatinger,	Hassard,	Lipsett,
Esther,	Hawley,	Lloyd,
Ethel,	Hazen,	Londonderry,
Evans,	Heenan,	Lorne,
Fairbairn,	Hellyer,	Loughrin
Fairbank,	Hendrie,	Louise,
Falconbridge,	Hennessy,	Lumsden,
Faust,	Henry,	Macbeth,
Fawcett,	Hess,	Mackelcan,
Fawn,	Hill,	MacIennan,
Fingal,	Hodgetts,	Macmurchy,
Floranna,	Hoey,	Mageau,
Foleyet,	Hong Kong,	Mallard,
Foster,	Hornell,	Manning,
Foy,	Horwood,	Marconi,
Fraleck,	Hoskin,	Margaret,
Frater,	Howey,	Marion,
Frechette,	Hubbard,	Marquette,
Frey,	Huffman,	Marshall,
Fulton,	Hutt,	Marshay,
Gallagher,	Hutton,	Martland,
Gamey,	Hyman,	Mason,
Gardhouse,	Invergarry,	Mattagami,
Garibaldi,	Inverness,	May,
Garnet,	Iris,	McBride,
Garson,	Ivanhoe,	McCarthy,
Garvey,	Ivy,	McConnell,
Genoa,	Jack,	McGee,
Gilbert,	Janes,	McKim,
Gladwin,	Jasper,	McKinnon,
Goschen,	Jennings,	McLeod,
Gough,	Joffre,	McNamara,
Gouin,	Keith,	McNaught,
Graham,	Kelly,	McNish,
Greenlaw,	Kelso,	McOwen,
Grigg,	Kelvin,	McPhail,

Melrose,	Rennie,	Totten,
Merritt,	Rhodes,	Travers,
Middleboro,	Roberts,	Trill,
Miramichi,	Roblin,	Triquet,
Missinaibi,	Rollo,	Truman,
Moffat,	Roosevelt,	Turner,
Moher,	Sadler,	Tyrone,
Moncrieff,	St. Louis,	Ulster,
Mond,	Sale,	Unwin,
Mongowin,	Salter,	Valin,
Morgan,	Sandy,	Vernon,
Morse,	Scadding,	Vrooman,
Mountbatten,	Scollard,	Wakami,
Muldrew,	Scotia,	Waldie,
Munster,	Seagram,	Warren,
Murdock,	Secord,	Waters,
Muskego,	Selby,	Westbrook,
Nairn,	Selkirk,	Whalen,
Natal,	Semple,	Whigham,
Neelon,	Servos,	Wigle,
Neville,	Sewell,	Wisner,
Newton,	Shakespeare,	Yeo,
Nimitz,	Sheard,	Zavitz,
Noble,	Shelburne,	Tp. 6,
Norman,	Shelley,	Tp. 7,
Northrup,	Shenango,	Tp. 8,
Nursey,	Sheppard,	Tp. 8A,
Oates,	Sherlock,	Tp. 8B,
Ogilvie,	Silk,	Tp. 8C,
Onaping,	Singapore,	Tp. 8D,
Oswald,	Sladen,	Tp. 8E,
Osway,	Smuts,	Tp. 8F,
Panet,	Snider,	Tp. 8G,
Parker,	Somme,	Tp. 8H,
Parkin,	Sothman,	Tp. 8Z,
Pattinson,	Stalin,	Tp. 9,
Paudash,	Stetham,	Tp. 9A,
Paul,	Stobie,	Tp. 9B,
Penhorwood,	Stover,	Tp. 9C,
Peters,	Stralak,	Tp. 9D,
Pinogami,	Strathearn,	Tp. 9E,
Porter,	Street,	Tp. 9F,
Potier,	Struthers,	Tp. 9G,
Racine,	Stull,	Tp. 9H,
Ramsden,	Swayze,	Tp. 9Z,
Raney,	Sweeny,	Tp. 10A,
Rathbun,	Telfer,	Tp. 10B,
Ratter,	Tilton,	Tp. 10C,
Rayside,	Togo,	Tp. 10D,
Reeves,	Tooms,	Tp. 10E,
Regan,	Topham,	Tp. 10F,

Tp. 10G,	Tp. 13H,	Tp. 23, Range 23,
Tp. 10H,	Tp. 19,	Tp. 28,
Tp. 11B,	Tp. 22,	Tp. 29,
Tp. 11C,	Tp. 22, Range 15,	Tp. 32,
Tp. 11D,	Tp. 22, Range 16,	Tp. 35,
Tp. 11E,	Tp. 22, Range 17,	Tp. 36,
Tp. 11F,	Tp. 22, Range 18,	Tp. 37,
Tp. 11G,	Tp. 22, Range 19,	Tp. 44,
Tp. 11H,	Tp. 22, Range 20,	Tp. 107,
Tp. 12,	Tp. 23, Range 15,	Tp. 108,
Tp. 12E,	Tp. 23, Range 16,	Tp. 114,
Tp. 12F,	Tp. 23, Range 17,	Tp. 115,
Tp. 12G,	Tp. 23, Range 18,	Tp. 118,
Tp. 12H,	Tp. 23, Range 19,	Tp. 119,
Tp. 13G,	Tp. 23, Range 20,	Tp. 120,

together with all the remaining territory included within the following limits:—

Commencing at the southwest corner of the Township of Harrow; thence northerly and westerly along the west boundary of the Township of Harrow to the southeast corner of the Township of Salter; thence westerly, southerly and westerly along the south boundary of the Township of Salter to the southwest corner of the said Township; thence north along the west boundary of the Township of Salter to the northwest corner thereof; thence east along the north boundary of the Township of Salter to the northeast corner of the said Township; thence north astronomically to the northwest corner of Township 120; thence east along the north boundary of the said Township to the northeast corner thereof; thence north astronomically to the northwest corner of the Township of Dennie; thence west astronomically to the southwest corner of the Township of Comox; thence north astronomically to the southwest corner of the Township of Hubbard; thence west astronomically to the southwest corner of Township 23, Range 15; thence north astronomically to the northwest corner of the Township of Cosens; thence west along the south boundary of Township 23, Range 23, to the southwest corner thereof; thence north astronomically to the northwest corner of the Township of Rennie; thence east astronomically to the northeast corner of the Township of Frey; thence south astronomically to the northwest corner of the Township of Crothers; thence east astronomically to the northeast corner of the Township of Zavitz; thence south astronomically to the northwest corner of the Township of Stull; thence east astronomically to the northeast corner of the Township of Sladen; thence south astronomically to the southeast corner of the Township of Delhi; thence west along the south boundary of the Township of Delhi to the northeast corner of the Township of Armagh; thence south astronomically to the

southeast corner of the Township of Dunnet; thence west along the south boundary of the Township of Dunnet to the northeast corner of the Township of Casimir; thence south astronomically to the southeast corner of the Township of Martland; thence east along the north boundary of the Township of Scollard and its production easterly to the centre line of the channel of the French River to the north of Okikendawt Island; thence southwesterly along the centre line of the said channel of the French River that lies adjacent to the south boundaries of the Townships of Scollard, Mason, Bigwood, Allen and Struthers to the southerly production of the east boundary of the Township of Travers; thence north along the said production to the water's edge of the said channel; thence southwesterly, westerly and southwesterly following the water's edge of the said channel and the water's edge of Georgian Bay to the west boundary of the Township of Travers; thence north along the west boundaries of the Townships of Travers and Kilpatrick to the northwest corner of the last-mentioned Township; thence west along the south boundary of the Township of Sale to the southwest corner thereof; thence north along the west boundary of the Township of Sale to the southeast corner of the Township of Goschen; thence west along the south boundaries of the Townships of Goschen, Stalin, Roosevelt and Curtin to the water's edge of the North Channel of Lake Huron; thence northerly, westerly and southerly following the said water's edge to its intersection with the production easterly of the north boundary of the west part of the unsurrendered portion of the Whitefish Indian Reserve No. 4; thence west along the said production and continuing west along the said north boundary to the water's edge of the North Channel of Lake Huron; thence northerly and westerly along the said water's edge to its intersection with the production southerly of the west boundary of the Township of Harrow; thence north along the said production to the southwest corner of the Township of Harrow, the point of commencement.

Provisional
Judicial
District of
Sudbury.

The Territorial District of Sudbury shall form the Provisional Judicial District of Sudbury.

Thunder
Bay.

53.—THE TERRITORIAL DISTRICT OF THUNDER BAY

shall consist of,—

(a) the cities of Fort William, Port Arthur;

(b) the Town of Geraldton;

(c) the geographic townships of,

Abrey,

Adamson,

Adrian,

Aldina,

Alpha,

Ames,

Ashmore,	Glen,	McGill,
Atikameg,	Goldie,	McGillis,
Bain,	Golding,	McIntyre,
Barbara,	Goodfellow,	McIvor,
Bégin,	Gorham,	McKelvie,
Bell,	Goulet,	McLaurin,
Benner,	Graydon,	McMaster,
Bertrand,	Gzowski,	McQuesten,
Bickle,	Hagey,	McTavish,
Blackwell,	Haines,	Meador,
Blake,	Hanniwell,	Meinzingor,
Booth,	Hardwick,	Michener,
Boucher,	Hartington,	Mikano,
Bryant,	Heathcote,	Moss,
Bulmer,	Hele,	Nakina,
Byron,	Hipel,	Neebing,
Chevrier,	Hogarth,	Nipigon,
Church,	Homer,	Oakes,
Cockeram,	Horne,	Oboshkegan,
Colliver,	Houck,	O'Connor
Colter,	Innes,	Oliver,
Coltham,	Inwood,	O'Meara,
Conacher,	Irwin,	Paipoonge,
Conant,	Jacques,	Pardee,
Conmee,	Jean,	Parent,
Croll,	Joynt,	Parry,
Crooks,	Jutten,	Paska,
Daley,	Kilkenny,	Patrick,
Danford,	Kirby,	Pearson,
Devon,	Kitto,	Pic,
Dorion,	Klotz,	Pifher,
Dorothea,	Knowles,	Poisson,
Duckworth,	Kowkash,	Purdom,
Dye,	Lamport,	Pyramid,
Elmhirst,	Langworthy,	Rickaby,
Errington,	Lapierre,	Robbins,
Esnagami,	Laurie,	Robson,
Eva,	Ledger,	Rupert,
Exton,	Leduc,	Sackville,
Fallis,	Legault,	Salsberg,
Fauteux,	Leslie,	Sandra,
Fernow,	Lindsley,	Savanne,
Fletcher,	Lismore,	Savant,
Flood,	Low,	Scoble,
Forbes,	Lybster,	Shabotik,
Fowler,	Lyon,	Sibley,
Fraleigh,	MacGregor,	Smye,
Fulford,	Manion,	Soper,
Furlonge,	Marks,	Stedman,
Gibbard,	McComber,	Stirling,
Gillies,	McCubbin,	Strange,

Summers,	Tp. 73,	Tp. 83,
Trewartha,	Tp. 74,	Tp. 84,
Upsala,	Tp. 75,	Tp. 85,
Vincent,	Tp. 76,	Tp. 86,
Vivian,	Tp. 77,	Tp. 87,
Walters,	Tp. 78,	Tp. 88,
Ware,	Tp. 79,	Tp. 89,
Tp. 70,	Tp. 80,	Tp. 90,
Tp. 71,	Tp. 81,	Tp. 91,
Tp. 72,	Tp. 82,	Tp. 92,

together with all the remaining territory included within the following limits:—

Commencing at the southwest corner of the Township of Clavet; thence south astronomically to the southwest corner of the Township of Johns; thence east along the south boundary of the Township of Johns to the northwest corner of the Township of Common; thence south along the west boundaries of the Townships of Common and Hunt to the southwest corner of the last-mentioned Township; thence west along the south boundary of the Township of Knowles to O.L.S. Speight's meridian of 1902; thence south along O.L.S. Speight's meridian of 1902 and its southerly production to the International Boundary; thence northwesterly, southwesterly and westerly following the International Boundary to a point in Saganaga Lake where the said boundary is intersected by the southerly production of O.L.S. Niven's meridian line of 1890; thence due north along the said production and continuing along O.L.S. Niven's meridian line of 1890 and the northerly production of the said line, as surveyed by O.L.S. Dobie in 1919 to the centre of the main channel of the waters of Lake St. Joseph; thence north-easterly along the centre of the main channel of Lake St. Joseph and the Albany River, and the expansions thereof, to the intersection of the northerly production of the meridian surveyed by O.L.S. Speight and van Nostrand in 1925; thence south along the said production and continuing along the meridian run by O.L.S. Speight and van Nostrand in 1925 to the northwest corner of the Township of Bain; thence east astronomically to the northeast corner of the Township of Bell; thence south along the western boundary of the Townships of Boyce and Clavet to the southwest corner of the Township of Clavet, the point of commencement.

Provisional
Judicial
District of
Thunder
Bay.

The Territorial District of Thunder Bay shall form the Provisional Judicial District of Thunder Bay.

54.—THE TERRITORIAL DISTRICT OF TIMISKAMING

Timis-
kaming.

shall consist of,—

(a) the towns of Charlton, Cobalt, Englehart, Haileybury, Latchford, New Liskeard;

(b) the Village of Thornloe;

(c) the geographic townships of,

Adams,	Coleman,	James,
Alma,	Corkill,	Katrine,
Argyle,	Corley,	Keefer,
Armstrong,	Dack,	Kerns,
Arnold,	Dane,	Kimberley,
Auld,	Davidson,	Kittson,
Baden,	Denton,	Klock,
Banks,	Donovan,	Knight,
Bannockburn,	Doon,	Langmuir,
Barber,	Douglas,	Lawson,
Barr,	Doyle,	Lebel,
Bartlett,	Dufferin,	Leckie,
Bayly,	Dunmore,	Lee,
Beauchamp,	Dymond,	Leith,
Ben Nevis,	Eby,	Leo,
Benoit,	Eldorado,	Leonard,
Bernhardt,	Evanturel,	Lorrain,
Bisley,	Fallon,	Lundy,
Black,	Farr,	Maisonville,
Blackstock,	Fasken,	Marquis,
Blain,	Firstbrook,	Marter,
Bompas,	Flavelle,	McArthur,
Boston,	Fripp,	McElroy,
Brethour,	Gamble,	McEvay,
Brewster,	Gauthier,	McFadden,
Brigstocke,	Geikie,	McGarry,
Bryce,	Gillies Limit,	McGiffin,
Bucke,	Grenfell,	McKeown,
Burt,	Gross,	McNeil,
Cairo,	Harley,	McVittie,
Cane,	Harris,	Medina,
Casey,	Haultain,	Melba,
Catharine,	Hearst,	Michie,
Chamberlain,	Henwood,	Mickle,
Charters,	Hillary,	Midlothian,
Childerhose,	Hilliard,	Milner,
Chown,	Hincks,	Montrose,
Cleaver,	Holmes,	Morel,
Clifford,	Hudson,	Morrisette,
Cole,	Ingram,	Mulligan

Musgrove,	Raymond,	Terry,
Nicol,	Reynolds,	Thorneloe,
Nordica,	Roadhouse,	Timmins,
North Williams,	Robertson,	Tolstoi,
Ossian,	Robillard,	Trethewey,
Otto,	Rorke,	Truax,
Pacaud,	Savard,	Tudhope,
Pense,	Sharpe,	Tyrrell,
Pharand,	Sheba,	Van Hise,
Pontiac,	Shillington,	van Nostrand,
Powell,	Skead,	Wallis,
Price,	Smyth,	Whitson,
Rankin,	South Lorrain,	Willet,
Rattray,	Speight,	Willison,
Ray,	Teck,	Yarrow,

together with all the remaining territory included within the following limits:—

Commencing at the southwest corner of the Township of South Lorrain; thence north along the west boundary of the said Township to the northwest corner thereof; thence west astronomically to the southeast corner of the Township of Brigstocke and continuing west along the south boundaries of Brigstocke, Cole and Medina to the southwest corner of the last-mentioned Township; thence north along the west boundary of the Township of Medina to the northwest corner thereof; thence west astronomically to the southwest corner of the Township of Dufferin; thence north astronomically to the southeast corner of the Township of Geikie; thence west astronomically to the southwest corner of the Township of Pharand; thence north along the west boundaries of the Townships of Pharand, Hillary and Keefer to the northwest corner of the last-mentioned Township; thence east astronomically to the Interprovincial Boundary between Ontario and Quebec; thence south and southerly along the said Interprovincial Boundary to a point on the production easterly of the south boundary of the Township of South Lorrain; thence west along the said production and continuing along the south boundary of the Township of South Lorrain to the southwest corner thereof, the point of commencement.

Provisional
Judicial
District of
Timis-
kaming.

The Territorial District of Timiskaming shall form the Provisional Judicial District of Timiskaming. R.S.O. 1937, c. 3, s. 1; 1945, c. 26, s. 1; 1946, c. 98, s. 1, *amended*.

Additional
municipalities
in territorial
districts.

2. In addition to the municipalities mentioned in section 1 as being included in the territorial districts, such districts shall also include the municipalities listed hereunder:

1.—THE TERRITORIAL DISTRICT OF ALGOMA Algoma.

includes the townships of,—

Day and Bright	Macdonald and	Tarbutt and Tar-
Additional,	Meredith,	butt Additional,
Hilton,	Plummer	Tarentorus,
Jocelyn,	Additional,	Thessalon and
Johnson,	Prince,	Lefroy,
Korah,	St. Joseph,	Thompson,
Laird,		Wicksteed.

2.—THE TERRITORIAL DISTRICT OF COCHRANE Cochrane.

includes,—

(a) the improvement districts of Kingham (part),
Mountjoy;

(b) the townships of,

Calvert,	Playfair,	Tisdale,
Fauquier,	Shackleton and	Whitney,
Glackmeyer,	Machin,	Black River.

3.—THE TERRITORIAL DISTRICT OF KENORA Kenora.

includes,—

(a) the Improvement District of Sioux Narrows;

(b) the townships of,

Ignace,	Machin,
Jaffray and Melick,	Van Horne.

4.—THE TERRITORIAL DISTRICT OF Manitoulin.
MANITOULIN

includes the townships of,—

Assiginack,	Carnarvon,	Rutherford and
Barrie Island,	Cockburn Island,	George Island,
Billings and part	Gordon and part of	Sandfield,
of Allan,	Allan,	Tehkummah.
Burpee,	Howland,	

5.—THE TERRITORIAL DISTRICT OF MUSKOKA Muskoka.

includes the townships of,—

Brunel,	Macaulay,	Oakley,
Cardwell,	McLean,	Ridout,
Chaffey,	Medora and Wood,	Ryde,
Draper,	Monck,	Stephenson,
Franklin,	Morrison,	Stisted,
Freeman,	Muskoka,	Watt.

Nipissing.

6.—THE TERRITORIAL DISTRICT OF NIPISSING

includes,—

(a) the Improvement District of Cameron;

(b) the townships of,

Bonfield,	East Ferris,	Springer,
Caldwell,	Field,	West Ferris,
Calvin,	Mattawan,	Widdifield.
Chisholm,	Papineau,	

Parry Sound.

7.—THE TERRITORIAL DISTRICT OF
PARRY SOUND

includes the townships of,—

Armour,	Humphry,	Nipissing,
Carling,	Joly,	North Himsworth,
Chapman,	Machar,	Perry,
Christie,	McDougall,	Ryerson,
Foley,	McKellar,	South Himsworth,
Hagerman,	McMurrich,	Strong.

Rainy River.

8.—THE TERRITORIAL DISTRICT OF
RAINY RIVER

includes,—

(a) the improvement districts of Atikokan, Kingsford;

(b) the townships of,

Alberton,	Emo,	Morley and
Atwood,	Lavallee,	Pattullo,
Blue,	McCrosson and	Morson,
Chapple,	Tovell,	Worthington.
Dilke,	McIrvine,	

Sudbury.

9.—THE TERRITORIAL DISTRICT OF SUDBURY

includes,—

(a) the Improvement District of Renabie;

(b) the townships of,

Baldwin,	Drury, Denison	Neelon and Garson,
Balfour,	and Graham,	Ratter and
Blezard,	Hagar,	Dunnet,
Casimir, Jennings	Hallam,	Rayside,
and Appleby,	Hanmer,	Salter, May and
Chapleau,	Martland,	Harrow,
Cosby and Mason,	McKim,	Waters.
Dowling,	Nairn,	

10.—THE TERRITORIAL DISTRICT OF THUNDER BAY

Thunder
Bay.

includes,—

(a) the improvement districts of Beardmore, Marathon,
Red Rock, Terrace Bay;

(b) the townships of,

Conmee,	Nipigon,	Paipoonge,
Gillies,	O'Connor,	Schreiber,
Neebing,	Oliver,	Shuniah.

11.—THE TERRITORIAL DISTRICT OF TIMISKAMING

Timis-
kaming.

includes,—

(a) the improvement districts of Gauthier, Kingham
(part), McGarry;

(b) the townships of,

Armstrong,	Dack,	Hudson,
Brethour,	Dymond,	James,
Bucke,	Evanturel,	Kerns,
Casey,	Harley,	Larder Lake,
Chamberlain,	Harris,	Matachewan,
Coleman,	Hilliard,	Teck.

3. Notwithstanding the express mention herein of certain municipalities as being included in certain counties and districts, every such county and district shall include any other municipality situate within the limits thereof. R.S.O. 1937, c. 3, s. 2, *amended*.

Inclusion of
municipal-
ties although
not men-
tioned.

UNITED COUNTIES, ETC.

4.—(1) For municipal, judicial and all purposes not otherwise provided for by law, the following counties shall continue to form unions of counties:—

United
counties.

1. Stormont, Dundas and Glengarry;

2. Leeds and Grenville;

3. Northumberland and Durham;

4. Prescott and Russell. R.S.O. 1937, c. 3, s. 3 (1).

(2) Each of such unions of counties under the name of the United Counties of _____ and _____ (*naming them*), shall for all purposes, so long as such counties remain united, have in common, as if one county, all courts,

Courts,
offices and
institutions.

offices and institutions established by law, pertaining to counties. R.S.O. 1937, c. 3, s. 4.

Cities and towns.

5. For judicial purposes every city shall be united to and form part of the county within the limits whereof it is situate; but for municipal purposes such cities, and all towns and other municipalities withdrawn from the jurisdiction of the county, shall not form part of the counties in which they are respectively situate. R.S.O. 1937, c. 3, s. 3 (2), *amended*.

BOUNDARIES OF TOWNSHIPS LYING ON CERTAIN LAKES AND RIVERS.

Limits of townships bounded by certain lakes and rivers.

6.—(1) Except as provided in subsections 2 and 3 the limits of all the townships lying on the St. Lawrence River, Lake Ontario, Niagara River, Lake Erie, the Detroit River, Lake St. Clair, the St. Clair River, Lake Huron (not including the Georgian Bay), the St. Mary River and Lake Superior (not including Thunder Bay, Black Bay and Nipigon Bay), shall extend to the boundary of the Province in such lake or river, in prolongation of the outlines of each township respectively; and unless herein otherwise provided, such townships shall also include all the islands, the whole or the greater part of which are comprised within the said outlines so prolonged.

Exception.

(2) Subsection 1 shall not apply to that part of Ontario at the head of Lake Ontario lying west of the east boundary of the County of York produced southerly to the International Boundary, but in that part the limits of all townships on either side of the Lake shall extend to a line drawn from the intersection of the east boundary of the County of York produced with the International Boundary, westerly to the old outlet of Hamilton Harbour.

Rev. Stat., c. 96.

(3) Subject to *The Long Point Park Act* the Township of South Walsingham shall include the whole of Long Point. R.S.O. 1937, c. 3, s. 5, *amended*.

Limits of townships on the Ottawa.

7. The limits of the townships lying on the Ottawa River shall in like manner extend to the boundary between Ontario and Quebec. R.S.O. 1937, c. 3, s. 6, *amended*.

Limits of townships in Glengarry.

8. The limits of the townships in the County of Glengarry shall in like manner extend to the middle of Lake St. Francis, and to the middle of the main channel of the St. Lawrence River, and unless herein otherwise provided, shall also include every island, the whole or the greater part of which is comprised within the outlines of such townships so prolonged. R.S.O. 1937, c. 3, s. 7, *amended*.

9.—(1) The limits of the townships on the Bay of Quinte, the Georgian Bay, Thunder Bay, Black Bay and Nipigon Bay, the Trent River and its lakes, Lake Simcoe, the Severn River, the Rideau River and its lakes, the Thames River, the Grand River, and any other rivers, lakes and bays not hereinbefore mentioned, shall in like manner extend to the middle of such lakes and bays, and to the middle of the main channels of such rivers respectively, and unless herein otherwise provided, shall also include every island, the whole or the greater part of which is comprised within the outlines of such township so prolonged. R.S.O. 1937, c. 3, s. 8, *amended*.

Limits of townships on Bay of Quinte and on other bays, lakes and rivers.

(2) Notwithstanding subsection 1,—

Exceptions.

- (a) the extended east limit of the Township of Carling and the extended west limit of the Township of McDougall in the waters of Parry Sound are defined by a line drawn south $20^{\circ} 52'$ east astronomically from the southeast corner of Lot 6, Concession 10 in the Township of Carling; and
- (b) the extended south limits of the Townships of McDougall and Carling and the extended north limit of the Township of Cowper in the waters of Parry Sound and the Georgian Bay are defined by a line drawn south $69^{\circ} 8'$ west astronomically from the southwest corner of the Township of McDougall,

and the Townships of Carling, McDougall and Cowper shall include every island the whole or the greater part of which is included within the limits of such townships as so defined.

(3) Notwithstanding subsection 1, the extended south limit of the Township of Baxter and the eastern portion of the extended north limit of the Township of Tay in the waters of the Georgian Bay from the mouth of the Severn River are defined as follows:—

Commencing at a point in the waters of the Georgian Bay distant 94 chains, measured on a course of south $20^{\circ} 52'$ east from the northeast corner of Lot 31, Concession 2, in the Township of Baxter; thence north 80° west astronomically, one hundred and nine chains more or less to a point in a line drawn south astronomically from the southwestern extremity of Potato Island; thence west astronomically two hundred and ten chains more or less to a point in the waters of the Georgian Bay midway between the mainland of the Township of Tay and the Township of Baxter;

Again commencing at the said point of commencement; thence north 62° east astronomically forty chains more or less to a point in the waters of the Georgian Bay midway between the mainland of the Township of Baxter and the Township of Tay, thence northerly and westerly following the midway line between the mainland of the Township of Baxter and the Township of Tay to the intersection with the centre of the main channel of the Severn River at the mouth of the Severn River,

and the Townships of Baxter and Tay shall include every island the whole or the greater part of which is included within the limits of such townships as so defined. *New.*

Savings as to islands being townships of themselves, etc.

10. Sections 6, 7, 8 and 9 shall not extend to any islands or parts of islands which are townships by themselves, or which have been expressly included in other townships in the original surveys and plans thereof remaining of record in the office of the Minister of Lands and Forests or by statute, but the same shall remain townships or parts of such other townships respectively. R.S.O. 1937, c. 3, s. 9.

POWERS OF LIEUTENANT-GOVERNOR IN COUNCIL.

Powers of Lieutenant-Governor in Council.

11. The Lieutenant-Governor in Council may,—

- (a) establish geographic townships in those parts of Ontario in which townships have not been constituted, and declare the name each shall bear and fix the boundaries thereof;
- (b) alter the boundaries of any territorial district or provisional judicial district;
- (c) when no letters patent have been issued granting lands in a township, alter the boundaries or change the name thereof;
- (d) annex any gore or tract of land not forming part of a township to any adjoining township or parts of such gore or tract of land to townships adjoining such parts; and
- (e) when doubt exists as to the township in which an island or other tract of land or lands covered with water lies, declare the township in which the same lies. R.S.O. 1937, c. 3, ss. 10, 11, 13, 14, *amended.*

12. *The Territorial Division Act, The Territorial Division Amendment Act, 1945* and *The Territorial Division Amendment Act, 1946*, are repealed. Rev. Stat., c. 3; 1945, c. 26; 1946, c. 98, repealed.

13. This Act may be cited as *The Territorial Division Act, 1949*. Short title.

CHAPTER 105.

An Act to amend The Tile Drainage Act.

*Assented to April 1st, 1949.**Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of *The Tile Drainage Act* is amended by adding thereto the following subsections: Rev. Stat.,
c. 72, s. 7,
amended.

(4) If a mortgagee, encumbrancer or assignee notifies the clerk in writing within the time specified in subsection 3 that he objects to the granting of the application, the council shall hold a hearing of which the clerk shall give at least five days' notice in writing by registered post to the applicant and to the mortgagee, encumbrancer or assignee who gave the notice. Hearing.

(5) The granting or refusal of any application shall be in the discretion of the council whose decision shall be final. Discretion
of council.

2. Section 13 of *The Tile Drainage Act* is amended by striking out the symbol and figures "\$2,000" in the second line and inserting in lieu thereof the symbol and figures "\$3,000", so that the section shall read as follows: Rev. Stat.,
c. 72, s. 13,
amended.

13. The amount loaned to any one person shall not exceed \$3,000 for each one hundred acres or fraction thereof, nor seventy-five per centum of the total cost of the work. Limit of
loan to
individual.

3. Subsection 1 of section 16 of *The Tile Drainage Act* is repealed and the following substituted therefor: Rev. Stat.,
c. 72, s. 16,
subs. 1, re-
enacted.

(1) On the completion to his satisfaction of any drainage work under his charge, the inspector shall file with the clerk a report to the council certifying that in his opinion the work has been satisfactorily completed and showing,— Inspector's
report.

- (a) the number of rods of drainage constructed on each lot or parcel of land;
- (b) the cost per rod;
- (c) a plan of the work; and
- (d) such other particulars as may be required by the council.

Rev. Stat.,
c. 72,
amended.

4. *The Tile Drainage Act* is amended by adding thereto the following section:

Sale of part
of land rated
for work.

17a.—(1) Where a part of a parcel of land in respect of which money has been lent is sold, the council of the municipality may apportion the special annual rate between the part sold and the part remaining.

Notice.

(2) The clerk shall give the owners of the parts into which the parcel is divided and the mortgagees, encumbrancers or assignees at least five days' notice in writing by registered post of the time and place the council will make the apportionment.

Apportion-
ment of rate.

(3) The council in making the apportionment shall have regard to the part of the parcel affected by the drainage work and such other matters as it deems expedient and the decision of the council with respect to the apportionment shall be final.

Filing of
apportion-
ment.

(4) The apportionment shall be filed in writing with the clerk and thereafter the special annual rate shall be levied and collected in accordance with the apportionment.

Commence-
ment of Act.

5. This Act shall come into force on the day it receives the Royal Assent.

Short title.

6. This Act may be cited as *The Tile Drainage Amendment Act, 1949*.

CHAPTER 106.

An Act respecting Tourist Establishments.

*Assented to April 1st, 1949.**Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) “Minister” means Minister of Travel and Publicity; “Minister”;
- (b) “operator” means the owner or lessee of a tourist “operator”; establishment or the resident manager or other person in charge thereof;
- (c) “regulations” means regulations made under this “regula-
Act; and tions”;
- (d) “tourist establishment” means any premises operated “tourist
for the accommodation of the travelling or vaca- establish-
tioning public within the meaning of the regulations, ment”.
but does not include any premises licensed under
The Liquor Licence Act, 1946 or *The Game and* 1946, cc. 47,
Fisheries Act, 1946, or any camp operated by a 33; Rev.
charitable institution within the meaning of *The* Stat., cc. 299,
Charitable Institutions Act or any summer camp 381.
within the meaning of the regulations made under
The Public Health Act.

2.—(1) The Lieutenant-Governor in Council may make Regulations.
regulations,—

- (a) defining and classifying tourist establishments;
- (b) providing for the licensing of tourist establishments and the suspension and cancellation of licences and prescribing the fees payable for licences and renewals thereof;
- (c) providing for inspection of tourist establishments and for designation by the Minister of officials and employees of the Government as inspectors and,

subject to the approval of the Minister, for designation by municipal councils or by local boards of health of municipalities of officials and employees of the council or local board of health, respectively, as inspectors and for prescribing the powers and duties of inspectors so designated;

- (d) prescribing ground plans for tourist establishments including specifications governing the relative positions of and distances between the component parts of such establishments;
- (e) prescribing specifications governing the construction and size of buildings and other structures comprising tourist establishments;
- (f) prescribing cubic space requirements in respect of living and sleeping accommodation in tourist establishments;
- (g) prescribing the fire prevention measures that shall be taken and the fire fighting equipment that shall be maintained in tourist establishments;
- (h) governing and regulating the manner in which the grounds, buildings, equipment and other facilities of tourist establishments shall be maintained, including the cleaning, fumigating and sterilizing of any part thereof;
- (i) prescribing requirements for tourist establishments in respect of water closets and other sanitary facilities, water supply, plumbing, ventilation, heating, lighting, electrical equipment, food handling, disposal of garbage and other waste and other matters pertaining to the health and welfare of persons accommodated;
- (j) prescribing the maximum number of tourist establishments for any designated area;
- (k) requiring operators to display notices or insignia indicating the class of establishment operated, and prescribing such notices or insignia;
- (l) requiring operators to maintain a register of the persons, motor vehicles and trailers accommodated, and requiring persons accommodated to register therein, and prescribing the information that shall be entered in the register by the operator and by the person accommodated;

- (m) prescribing rules to be observed by persons accommodated in tourist establishments;
- (n) requiring the operators of tourist establishments to keep posted in every room or building used for sleeping accommodation a notice specifying the rates charged for the room or building;
- (o) prescribing the minimum amount of furniture, bedding, linen, heating and lighting devices, electrical outlets, utensils, dishes, cutlery, floor covering, window covering and other fixtures, furnishings, appliances and equipment that shall be provided in tourist establishments; and
- (p) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act.

(2) The Lieutenant-Governor in Council may in respect of any regulation,— Application of regulations.

- (a) designate the classes of tourist establishments to which it shall apply;
- (b) designate the portions of Ontario within which it shall be in force; and
- (c) provide that it shall apply only to tourist establishments established before or after a designated date.

3. Any regulation made under clauses *d* to *i* of subsection 1 of section 2 shall be regarded as containing minimum requirements only and the council of any city, town, village or township or the board of trustees of any improvement district in which any such regulation is in force may pass by-laws prescribing further or additional requirements with regard to any of the matters mentioned in the regulation, and every such by-law shall apply to the tourist establishments in the municipality to which the regulation previously applied. Powers of municipalities.

4. The council of every city and town shall provide for the inspection of the tourist establishments in the municipality and shall be responsible for the enforcement in the municipality of the regulations and any by-law passed under section 3 but nothing in this section shall preclude inspection and enforcement by any provincial inspector. Responsibility for inspection.

5. Every municipal inspector shall make such reports respecting the tourist establishments in the municipality as the Minister may require. Report to Minister.

Offences and penalties.

6. Every person who violates any regulation or violates any by-law passed under section 3, shall be guilty of an offence and liable on summary conviction to a penalty of not more than \$100.

Application of penalty.

7. Any penalty imposed as the result of any proceeding instituted by a municipal inspector for any violation of any regulation or any violation of any by-law passed under section 3 shall be payable to the municipal corporation.

1946, c. 100;
1947, c. 108;
1948, c. 93,
repealed.

8. *The Tourist Camp Regulation Act, 1946, The Tourist Camp Regulation Amendment Act, 1947 and The Tourist Camp Regulation Amendment Act, 1948* are repealed.

Commence-
ment of Act.

9. This Act shall come into force on a day to be named by the Lieutenant-Governor by his Proclamation.

Short title.

10. This Act may be cited as *The Tourist Establishments Act, 1949*.

CHAPTER 107.

An Act to amend The Training Schools Act, 1939.

*Assented to March 9th, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 21 of *The Training Schools Act*, 1939, is amended by striking out the words "becomes of age", in the third line and inserting in lieu thereof the words "attains the age of eighteen years", so that the subsection shall read as follows: c. 51, s. 21, subs. 1, amended.

- (1) Every boy or girl sent or admitted to a training school shall upon admission become a ward of the training school until he or she attains the age of eighteen years and, subject to the provisions of the regulations, shall be subject to the control of the Board and superintendent in the same manner and to the same extent as in the case of a guardian appointed by Statute or by any court or by any will or instrument and all rights and powers of the parent or any such guardian over a boy or girl so admitted shall upon admission cease and determine unless the Minister provides that the wardship of the training school shall cease upon the boy or girl leaving the school or at any time after leaving the school. School wardship over boys and girls.

2. This Act may be cited as *The Training Schools Amendment Act, 1949*. Short title.

CHAPTER 108.

An Act to amend The Vital Statistics Act, 1948.

*Assented to April 1st, 1949.**Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *c* of subsection 1 of section 6 of *The Vital Statistics Act, 1948* is amended by striking out the word “or” at the end thereof. ^{1948, c. 97, s. 6, subs. 1, cl. *c*, amended.}

(2) Clause *d* of subsection 1 of the said section 6 is amended by striking out the words “and the nurse or other person present at the birth” at the end thereof and inserting in lieu thereof the word “or”, so that the clause shall read as follows: ^{1948, c. 97, s. 6, subs. 1, cl. *d*, amended.}

(d) if the mother and father are incapable and there is no person standing in the place of the parents of the child, the occupier of the premises in which the child is born, if he has knowledge of the birth; or

.

(3) Subsection 1 of the said section 6 is further amended by adding thereto the following clause: ^{1948, c. 97, s. 6, subs. 1, amended.}

(e) if none of the persons mentioned in clauses *a* to *d* is capable or available, the nurse present at the birth.

2. Section 14 of *The Vital Statistics Act, 1948* is repealed and the following substituted therefor: ^{1948, c. 97, s. 14, re-enacted.}

14.—(1) Every marriage that is solemnized in Ontario shall be registered under this Act. ^{Marriages.}

(2) Upon receipt of the statement of marriage forwarded under subsection 6 of section 5 of *The Marriage Act*, the Registrar-General, if he is satisfied as to the correctness and sufficiency thereof, shall register the marriage by signing the statement, ^{Registration of marriage. Rev. Stat., c. 207.}

and thereupon the statement shall constitute the registration of the marriage.

Acknowledgment of registration.

- (3) The Registrar-General shall thereupon mail to the person by whom the marriage was solemnized, an acknowledgment of the receipt in the prescribed form.

1948, c. 97, s. 16, subs. 3, re-enacted; subs. 4, repealed.

3. Subsections 3 and 4 of section 16 of *The Vital Statistics Act, 1948* are repealed and the following substituted therefor:

Medical certificate.

- (3) The legally qualified medical practitioner who was last in attendance during the last illness of a deceased person or the coroner who conducts an investigation or inquest into the death of a person shall, forthwith after the death, investigation or inquest, as the case may be, complete and sign a medical certificate of death in the prescribed form, stating therein the cause of death according to the International List of Causes of Death as last revised by the International Commission called for that purpose, and shall deliver the medical certificate to the funeral director in charge of the body.

1948, c. 97, s. 17, amended.

4. Section 17 of *The Vital Statistics Act, 1948* is amended by adding thereto the following subsection:

Cause of death on burial permit.

- (4) Except as may be required by the regulations, the cause of death shall not be stated on a burial permit.

1948, c. 97, s. 19, subs. 2, re-enacted; subs. 3, 4 repealed.

5. Subsections 2, 3 and 4 of section 19 of *The Vital Statistics Act, 1948* are repealed and the following substituted therefor:

Coroner's warrant to bury.

- (2) Where a person has died under any of the circumstances mentioned in subsection 1 and it is impracticable for the coroner to complete a medical certificate of the cause of death, he may issue his warrant to bury when he has examined the body as provided in *The Coroners Act, 1948*, and the division registrar shall issue a burial permit on the delivery to him of the warrant to bury, and the coroner shall, within two days of his determining the cause of death or of the completion of his investigation, certify and deliver or mail the medical certificate of death to the division registrar.

1948, c. 17.

1948, c. 97, s. 31, subs. 1, amended.

6. Subsection 1 of section 31 of *The Vital Statistics Act, 1948* is amended by striking out the word "marriage" in the first line thereof.

7.—(1) Section 34 of *The Vital Statistics Act, 1948* is ^{1948,} amended by striking out the word “marriage” wherever it ^{c. 97, s. 34,} occurs in clauses *e, f, g, l, m* and *o*. ^{cls. *e, f, g, l,*}
^{*m, o,*}
^{amended.}

(2) Clause *k* of the said section 34 is amended by striking ^{1948,} out the word “marriages” and the word “four” in the second ^{c. 97, s. 34,} line and the word “marriage” in the fourth line thereof. ^{cl. *k,*}
^{amended.}

8. Subsection 1 of section 36 of *The Vital Statistics Act, 1948* is amended by striking out the word “marriage” in the ^{1948,} third line thereof. ^{c. 97, s. 36,}
^{subss. 1,}
^{amended.}

9.—(1) Section 54 of *The Vital Statistics Act, 1948* is ^{1948,} amended by adding thereto the following clause: ^{c. 97, s. 54,}
^{amended.}

(*ff*) prescribing the conditions under which the division registrar shall state the cause of death on a burial permit.

(2) Clause *j* of the said section 54 is amended by inserting ^{1948, c. 97,} after the word “office” in the third line the words “or in a ^{s. 54, cl. *j,*} division registrar’s office”, so that the clause shall read as follows: ^{amended.}

(*j*) designating the persons who may have access to, or may be given information from the records in the Registrar-General’s office or in a division registrar’s office, and prescribing an oath of secrecy to be taken by such persons.

10.—(1) This Act, except sections 2, 6, 7 and 8, shall come ^{Commence-} into force on the day it receives the Royal Assent. ^{ment of Act,}

(2) Sections 2, 6, 7 and 8 shall come into force on a day ^{Idem.} to be named by the Lieutenant-Governor by his Proclamation.

11. This Act may be cited as *The Vital Statistics Amend-* ^{Short title.}
ment Act, 1949.

CHAPTER 109.

The Warble-fly Control Act, 1949.

*Assented to March 9th, 1949.**Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) "cattle owner" means any person owning or keeping one or more head of cattle; "cattle owner";
- (b) "Commissioner" means Live Stock Commissioner; "Commissioner";
- (c) "inspector" means any inspector appointed under this Act; "inspector";
- (d) "Minister" means Minister of Agriculture; "Minister";
- (e) "municipality" means any township; "municipality";
- (f) "regulations" means regulations made under this Act; "regulations";
- (g) "treated for warble-fly" means treated in accordance with the regulations by the brush method or by the spray method; and "treated for warble-fly";
- (h) "warble-fly" means the insects known as *Hypoderma Bovis* or *Hypoderma Lineatum*. 1947, c. 114, s. 1, amended. "warble-fly".

2.—(1) Upon receipt of a petition that in the opinion of the clerk of the municipality bears the signatures of more than two-thirds of the cattle owners in the municipality, the council shall pass a by-law requiring all the cattle within the municipality to be treated for warble-fly. Petition and by-law.

(2) The clerk shall send a certified copy of the by-law to the Commissioner within seven days after it is passed. Copy to be sent to Commissioner.
1947, c. 114, s. 2 (1, 3), amended.

Inspectors
and equip-
ment.

3.—(1) Where a by-law under this Act is passed the council shall appoint one or more inspectors to enforce the by-law and may purchase or otherwise acquire such equipment as it deems fit for the treatment of cattle for warble-fly.

Power to
enter
premises.

(2) In the performance of his duties under this Act any inspector may at any time between sunrise and sunset enter any land or building other than a dwelling house. 1947, c. 114, s. 3, *amended*.

Failure to
comply with
by-law.

4. Where any cattle owner fails to comply with any by-law passed under this Act, the inspector may cause his cattle to be treated for warble-fly and he shall be liable for the cost thereof, and in addition he shall be guilty of an offence and liable on summary conviction to a penalty of not less than \$10 and not more than \$50 for a first offence and to a penalty of not less than \$50 and not more than \$200 for any subsequent offence. 1947, c. 114, s. 5, *amended*.

Regula-
tions.

5. The Lieutenant-Governor in Council may make regulations,—

- (a) defining the brush method and the spray method of treatment for warble-fly;
- (b) designating the ingredients to be used and the strength thereof and prescribing the number of treatments that shall be given in a year and the times at which the treatments shall be given;
- (c) prescribing special requirements that shall be met during such period as is designated for cattle brought within any municipality in which a by-law under this Act is in force;
- (d) providing for the instruction of inspectors and prescribing their duties;
- (e) providing for the making of grants by the Minister out of such moneys as may be appropriated by the Legislature for the purpose so as to reimburse any municipality to such extent as is designated for any expense it has been put to under any by-law passed pursuant to this Act; and
- (g) respecting any other matter necessary or advisable to carry out effectively the intent and purpose of this Act. 1947, c. 114, s. 4, *amended*.

6. *The Warble-fly Control Act, 1947* is repealed.

1947, c. 114,
repealed.

7. This Act shall come into force on the day it receives the Royal Assent. Commence-
ment of Act.

8. This Act may be cited as *The Warble-fly Control Act, 1949.* Short title.

CHAPTER 110.

An Act to amend The Water Powers Regulation Act.

Assented to March 9th, 1949.
Session Prorogued April 8th, 1949.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Water Powers Regulation Act* is amended by adding thereto the following section: Rev. Stat.,
c. 63,
amended.

16.—(1) The Minister of Lands and Forests in his discretion may fix the terms and conditions upon which water powers or privileges granted by the Crown and any Crown lands necessary for the development thereof may be sold or leased and developed. Sale of
water
powers and
privileges.

(2) All agreements, leases, licenses, renewals or other writings relating to water powers or privileges or any Crown lands necessary for the development thereof shall be binding upon the Crown when signed by the Minister of Lands and Forests or by the Deputy Minister of Lands and Forests. Agreements,
etc., to be
binding on
Crown.

2. This Act may be cited as *The Water Powers Regulation Amendment Act, 1949.* Short title.

CHAPTER 111.

The Windsor Metropolitan General Hospital
Inquiry Act, 1949.*Assented to April 8th, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Lieutenant-Governor in Council upon the recommendation of the Minister of Health may appoint any person to conduct an inquiry into any matter connected with or affecting the administration and management of the Windsor Metropolitan General Hospital and any matter of complaint concerning the Board of Governors or any member thereof or any member of the staff or any officer or employee of the Hospital and any matter pertaining to any of the aforesaid matters, whether arising before or after the day this Act comes into force, and the person so appointed shall for that purpose have all the powers which may be conferred upon a commissioner appointed under *The Public Inquiries Act*, and he shall with all convenient speed report together with such recommendations as he deems expedient, to the Minister of Health, the council of the City of Windsor and the Board of Governors of the Hospital. Power to make inquiry. Rev. Stat., c. 19.
2. The Lieutenant-Governor in Council may fix the amount of fees or honorarium to be paid to the person appointed to make the inquiry. Honorarium.
3. The cost of the inquiry, including the fees or honorarium of the person appointed to make the inquiry, shall be paid by the Corporation of the City of Windsor if the council thereof requests that such inquiry be made. Cost.
4. Sections 4 and 5 of *The Public Inquiries Act* shall apply *mutatis mutandis* to any inquiry authorized under this Act. Application of Rev. Stat., c. 19, ss. 4, 5.
5. This Act shall come into force on the day it receives the Royal Assent. Commencement of Act.
6. This Act may be cited as *The Windsor Metropolitan General Hospital Inquiry Act, 1949.* Short title.

CHAPTER 112.

An Act respecting Leslie E. Wismer, M.P.P.

*Assented to April 8th, 1949.**Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Leslie E. Wismer, member of the Assembly for the Electoral District of Riverdale, shall not, by reason of his appointment by the Minister of Labour to a board of conciliation under *The Labour Relations Board Act, 1947* in a certain industrial dispute between The Toronto Graphic Arts Association, The Master Printers and Bookbinders Association of Toronto, The Union Shop Employing Printers, and Toronto Typographic Composition Association, representing employers, and The Toronto Printing Pressmen and Assistants' Union No. 10, representing employees, be deemed to be or have been disqualified or rendered ineligible as a member of the Assembly nor to have forfeited his seat in the Assembly nor to have incurred liability to any penalty imposed by *The Legislative Assembly Act* for sitting and voting in the Assembly, notwithstanding anything to the contrary in the said Act or in any other Act; provided that the said Leslie E. Wismer shall not take or receive any remuneration for acting as a member of the said board other than his actual expenses.

2. This Act shall come into force on the day it receives the Royal Assent.

3. This Act may be cited as *The Leslie E. Wismer Act*, Short title 1949.

CHAPTER 113.

An Act to amend The Wolf and Bear Bounty Act, 1946.

*Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The Wolf and Bear Bounty Act, 1946* is ^{1946,} amended by inserting after the word "pay" in the fifth line ^{c. 110, s. 3,} the words "or cause to be paid" and by striking out the symbol and figure "\$5" in the seventh line and inserting in lieu thereof the symbol and figures "\$15", so that the section shall read as follows:

3. Upon the delivery of a certificate issued under section 2 ^{Bounties} by the person named therein to the treasurer of the ^{payable} county, together with the whole skin of the wolf, within a period of one month from the date of the certificate, the treasurer shall pay or cause to be paid to such person the sum of \$25 as a bounty on either a timber or a brush wolf which is three months of age or over, and \$15 as a bounty on either a timber or a brush wolf under the age of three months.

2. Section 16 of *The Wolf and Bear Bounty Act, 1946* is ^{1946,} repealed and the following substituted therefor: ^{c. 110, s. 16,} ^{re-enacted.}
 - 16.—(1) Every person in possession or control of any ^{Wolves and} live wolf or bear shall within ten days after coming ^{bears kept} into such possession or control apply in writing to the Minister for a permit to keep the same in captivity. ^{in captivity.}

 - (2) The Minister may issue permits under this section ^{Issuance of} in such form and subject to such terms and condi- ^{permits.} tions as he may in his discretion deem proper.

 - (3) The Minister may refuse to issue a permit under this ^{Refusal and} section and may cancel any such permit at any time ^{cancellation} when it is shown to his satisfaction that the person ^{of permits.} to whom the permit was issued has failed to comply with the terms and conditions thereof.

Offences and penalties.

- (4) Every person who fails to comply with subsection 1 or who keeps any live wolf or bear in captivity after a permit therefor has been refused or cancelled shall be guilty of an offence and liable to a penalty of not less than \$10 and not more than \$100, and in default of payment of the penalty shall be imprisoned for a term not exceeding three months unless the penalty is sooner paid.

Seizure of animals, cages, etc.

- (5) Any live wolf or bear kept in captivity contrary to this section and any cage, pen, crate, shelter or other enclosure used in connection therewith may be seized and upon conviction of the person in possession or control thereof shall be forfeited to and become the property of the Crown in right of Ontario and may be disposed of in such manner as the Minister may direct.

Application of section.

- (6) This section shall not apply where any live wolf or bear is kept in captivity in any public zoo or for scientific or educational purposes in any public institution.

1946, c. 110, s. 18, cl. a, re-enacted.

3.—(1) Clause *a* of section 18 of *The Wolf and Bear Bounty Act, 1946* is repealed and the following substituted therefor:

- (a) prescribing the form and contents of certificates and affidavits required for the purposes of this Act.

1946, c. 110, s. 18, cl. b, amended.

(2) Clause *b* of the said section 18 is amended by striking out the words “or licence” in the first line, so that the clause shall read as follows:

- (b) prescribing the fees payable for any permit issued under this Act.

Short title.

4. This Act may be cited as *The Wolf and Bear Bounty Amendment Act, 1949*.

CHAPTER 114.

An Act to amend The Workmen's Compensation Act.

*Assented to April 1st, 1949.**Session Prorogued April 8th, 1949.*

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 11, subsection 1 of section 43 and subsection 1 of section 98 of *The Workmen's Compensation Act*, as amended by section 4 of *The Workmen's Compensation Amendment Act, 1943*, are further amended by striking out the symbol and figures "\$2,500" wherever they occur in the said section and subsections and inserting in lieu thereof the symbol and figures "\$3,000".

2.—(1) Clause *f* of subsection 1 of section 35 of *The Workmen's Compensation Act*, as re-enacted by subsection 1 of section 3 of *The Workmen's Compensation Amendment Act, 1948*, is amended by adding at the end thereof the words "not exceeding in the whole \$100 per month", so that the clause shall read as follows:

(*f*) where the dependants are persons other than those mentioned in clauses *c* to *e*, a sum reasonable and proportionate to the pecuniary loss to such dependants occasioned by the death, to be determined by the Board, not exceeding in the whole \$100 per month.

(2) Subsection 1*a* of the said section 35, as re-enacted by subsection 1 of section 3 of *The Workmen's Compensation Amendment Act, 1948*, is amended by adding at the end thereof the words "unless the child in respect of whom compensation is being paid is attending school and reaches the age of eighteen years during the school year, in which case compensation may be continued until the conclusion of the school year", so that the subsection shall read as follows:

(1*a*) Where in the opinion of the Board the furnishing of further or better education to a child appears advisable, the Board in its discretion may on applica-

tion extend the period to which compensation shall be paid in respect of the child for such additional period as is spent by the child in the furthering or bettering of its education but in no case beyond the age of eighteen years unless the child in respect of whom compensation is being paid is attending school and reaches the age of eighteen years during the school year, in which case compensation may be continued until the conclusion of the school year.

Rev. Stat., c. 204, s. 35, subs. 1b (1948, c. 99, s. 3, subs. 1), *Amendment Act, 1948*, is repealed and the following substituted therefor:

Compensation in death cases,—
maximum
and
minimum.

(1b) Exclusive of the expenses of the burial of the workman and the lump sum of \$100 the monthly compensation payable under subsection 1 shall not in any case exceed the average monthly earnings of the workman, and if the monthly compensation so payable exceeds such earnings it shall be reduced accordingly, and where several persons are entitled to monthly payments the payments shall be reduced proportionately, provided that the minimum monthly compensation shall be,—

(a) where the widow or an invalid husband is the sole dependant, \$50;

(b) where the dependants are a widow or an invalid husband and one or more children, \$50 for the widow or invalid husband with a further payment of \$12, to be increased on the death of the widow or invalid husband to \$20, for each child, not exceeding in the whole \$100; or

(c) where the dependants are children, \$20 to each child, not exceeding in the whole \$100.

Rev. Stat., c. 204, s. 35, subs. 4, amended. (4) Subsection 4 of the said section 35 is amended by striking out the word and letter "clause e" in the first line and inserting in lieu thereof the word and letter "clause f".

Rev. Stat., c. 204, s. 35, subs. 5, amended. (5) Subsection 5 of the said section 35 is amended by striking out the words and letters "clause c, clause d or clause e" in the fourth and fifth lines and inserting in lieu thereof the words and letters "clause d, e or f".

3. Sections 38 and 39 and subsections 1 and 4 of section 40 of *The Workmen's Compensation Act*, as re-enacted by section 2 of *The Workmen's Compensation Amendment Act, 1942*, are amended by striking out the words "sixty-six and two-thirds" where they occur in the third lines of sections 38 and 39 respectively, in the ninth line of subsection 1 of section 40, and in the eighth and ninth lines of subsection 4 of section 40, and inserting in lieu thereof the word "seventy-five".

Rev. Stat., c. 204, ss. 38, 39; s. 40, subss. 1, 4, (1942, c. 41, s. 2), amended.

4. Section 76 of *The Workmen's Compensation Act* is repealed and the following substituted therefor:

Rev. Stat., c. 204, s. 76 re-enacted.

76.—(1) The Board shall after the close of each year file with the Provincial Secretary an annual report upon the affairs of the Board.

Annual report.

(2) The Provincial Secretary shall submit the report to the Lieutenant-Governor in Council and shall then lay the report before the Assembly, if it is in session, or if not, at the next ensuing session.

Tabling.

5.—(1) This Act, except section 1, subsection 3 of section 2 and section 3, shall come into force on the day it receives the Royal Assent.

Commencement of Act;

(2) Sections 1 and 3 shall come into force on the 1st day of January, 1950, and shall apply only to accidents happening on or after that date.

ss. 1, 3;

(3) Subsection 3 of section 2 shall be deemed to have come into force on the 1st day of July, 1948.

of s. 2, subs. 3.

6. This Act may be cited as *The Workmen's Compensation Amendment Act, 1949*.

Short title.

PART II
PRIVATE ACTS
Chapters 115 to 144

CHAPTER 115.

An Act respecting the City of Belleville.

*Assented to April 1st, 1949.**Session Prorogued April 8th, 1949.*

WHEREAS the Corporation of the City of Belleville by Preamble.
its petition has represented that it is desirable to increase the membership of The Public Utilities Commission of the City of Belleville; that on the 4th day of December, 1944, the following questions were submitted to the municipal electors:

“Are you in favour of a two-year term for Aldermen under the following conditions?

1. That one-half the Aldermen shall come up for election each year.
2. That the first seven Aldermen elected for 1945 shall automatically be elected for the first two-year term and the remainder for one year only.”;

that the question was carried by an affirmative majority vote of those municipal electors voting on the question; that the council of the Corporation passed by-law number 5009 on the 27th day of August, 1945, and the council of the Corporation have been elected pursuant to the by-law; and whereas the Corporation has prayed for special legislation to increase the membership of the Commission and to validate the said by-law; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of the Corporation may pass a by-law, By-law to increase utilities commission authorized. with the assent of the electors, to provide that The Public Utilities Commission of the City of Belleville shall consist of five members, of whom the head of the city council shall *ex officio* be one.

2.—(1) When a by-law is passed under section 1, the election of the two additional members of the Commission and of the member of the Commission whose term of office expires at the end of the year in which the by-law is passed, shall be First election after passing of by-law.

held at the same time and places and in the same manner as the head of the council for the succeeding year, and the two commissioners receiving the greatest number of votes at such election shall be elected for a term of two years, and the remaining commissioner for a term of one year.

Term of
office.

(2) Thereafter, two members of the Commission shall be elected annually for a two-year period at the same time and places and in the same manner as the head of the council.

Application
of Rev. Stat.,
c. 286.

3. In all other respects, *The Public Utilities Act* shall apply to the Commission.

By-law
No. 5009
confirmed.

4. By-law number 5009 of the council of the Corporation of the City of Belleville, set out as Schedule A hereto, is hereby confirmed and shall be deemed to have come into force on the 1st day of January, 1945.

Commence-
ment of Act.

5. This Act shall come into force on the day it receives the Royal Assent.

Short title.

6. This Act may be cited as *The City of Belleville Act, 1949*.

SCHEDULE A

THE CORPORATION OF THE CITY OF BELLEVILLE

BY-LAW NUMBER 5009

A By-law providing for a two-year term for Aldermen in the City of Belleville.

Passed the 27th day of August, 1945.

WHEREAS, pursuant to the provisions of Section 79 of *The Municipal Act*, R.S.O. 1937, Chapter 266, as amended by Section 13, 8 George VI, 1944, the Council of a local municipality may by by-law passed with the assent of the municipal electors extend the term of office of members of the Council to two years;

AND WHEREAS, pursuant to By-laws Numbers 4001 and 4003, passed the 10th day of October, 1944, there was submitted to a vote of the municipal electors of the City of Belleville at the annual municipal elections holden on the 4th day of December, 1944, the following question, namely:

"Are you in favour of a two-year term for Aldermen under the following conditions?

1. That one half the Aldermen shall come up for election each year.
2. That the first seven Aldermen elected for 1945 shall automatically be elected for the first two-year term and the remainder for one year only."

AND WHEREAS the same was carried by an affirmative or majority vote of those municipal electors voting on the said question;

AND WHEREAS, pursuant to the wish and desire of the electors as expressed in said vote, the Council of the Corporation of the City of Belleville deems it advisable and expedient to pass this by-law giving effect to the wish and desire of the electors as so expressed in said vote.

THEREFORE the Council of the Corporation of the City of Belleville hereby enacts as follows:

1. From and after the passing of this by-law the one-half of the aldermen (or the first seven according to the number of votes received) having received the highest number of votes in the municipal elections holden on the 4th day of December, 1944, shall remain in office for a two-year term and the remainder of said aldermen shall remain in office for a one-year term and at every municipal election thereafter all aldermen shall be elected for a two-year term.

This By-law shall come into force and take effect immediately from and after the final passing thereof.

By-law read a FIRST time this 27th day of August, 1945.

By-law read a SECOND time this 27th day of August, 1945.

By-law read a THIRD time and finally passed this 27th day of August, 1945.

FRANK S. FOLLWELL,
Mayor.

(Seal)

J. WILFRED HOLMES,
Clerk.

CHAPTER 116.

An Act respecting Canada Comforter Company Limited.

*Assented to April 1st, 1949.**Session Prorogued April 8th, 1949.*

WHEREAS Fred Brown, Bert Kligerman and Selma Kligerman by their petition have represented that they were formerly President, Secretary and Director respectively of Canada Comforter Company Limited, and that the Company was incorporated under *The Companies Act* by letters patent dated the 11th day of July, 1940; and that an Order in Council was made by the Lieutenant-Governor in Council on the 18th day of November, 1948, cancelling the letters patent of the Company as of the 2nd day of December, 1948, for default in filing annual returns; and that the cancellation of the letters patent has created undue hardship on the shareholders and creditors; and whereas the petitioners have prayed for special legislation in respect of the said matters; and where it is expedient to grant the prayer of the said petition;

Preamble.

Rev. Stat.,
c. 251.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding the said Order in Council dated the 18th day of November, 1948, the Company is hereby revived and the charter of Canada Comforter Company Limited restored as of the 2nd day of December, 1948, and any real or personal property of the Company which had not then been disposed of shall be relieved *nunc pro tunc* from forfeiture to the Crown.

Company
revived
and charter
restored.

2. This Act shall come into force on the day it receives the Royal Assent.

Commence-
ment of Act.

3. This Act may be cited as *The Canada Comforter Company Limited Act, 1949.*

Short title.

CHAPTER 117.

An Act respecting the Canadian National
Exhibition Association.*Assented to April 1st, 1949.**Session Prorogued April 8th, 1949.*

WHEREAS the Canadian National Exhibition Association by its petition has prayed for special legislation to amend *The Canadian National Exhibition Association Act*, 1948, c. 105, 1948; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Paragraph 2 of subsection 1 of section 5 of *The Canadian National Exhibition Association Act*, 1948 ^{1948, c. 105, s. 5, subs. 1, para. 2, amended.} is amended by striking out the words “sixty-one” in the second line and inserting in lieu thereof the word “sixty”, so that the paragraph shall read as follows:

2. The General, Manufacturers and Liberal Arts Section, not to exceed sixty members, exclusive of life members.

(2) Clause *a* of subsection 3 of the said section 5 is repealed ^{1948, c. 105, s. 5, subs. 3, cl. *a*, re-enacted.} and the following substituted therefor:

- (a) the following ministers of the Province of Ontario: ^{*ex officio* members.} the Minister of Travel and Publicity, the Minister of Public Works, the Minister of Education, the Minister of Mines, the Minister of Lands and Forests and the Minister of Municipal Affairs, all of whom shall be *ex officio* members of the Association, provided that the deputy of each of the said ministers shall be *ex officio* a member of the Association in the place of his minister during the absence or illness of his minister or during such periods as his minister from time to time may designate in writing. ^{Proviso.}

(3) Clause *b* of subsection 3 of the said section 5 is amended ^{1948, c. 105, s. 5, subs. 3, cl. *b*, amended.} by striking out the word “and” in the thirteenth line and by inserting after the words “Toronto District Labour Council”

in the fourteenth line the words "and Toronto Labour Council".

1948,
c. 105, s. 5,
subs. 6,
amended.

(4) Subsection 6 of the said section 5 is amended by inserting after the word "representatives" in the first line the words "of the bodies named in subsections 3 and 4", so that the subsection shall read as follows:

Notice of
appoint-
ment of
representa-
tives to be
given to
Association.

- (6) Notice of appointment of representatives of the bodies named in subsections 3 and 4 and the names and addresses of such representatives, signed by the president and secretary of each of the said bodies (other than the council of the County of York and The Hydro-Electric Power Commission of Ontario) together with a statement verified by statutory declaration of such secretary, of the total number of members of the body at the date of its annual meeting, the number of such members who upon the said date had paid their fees to the body, and the number of such members who attended the annual meeting, shall forthwith after such meeting be given to the Association so that the same shall be received by the secretary of the Association not later than the second Wednesday of February in each year at the hour of 12 o'clock noon.

Commence-
ment of Act.

2. This Act shall come into force on the day it receives the Royal Assent.

Short title.

3. This Act may be cited as *The Canadian National Exhibition Association Amendment Act, 1949*.

CHAPTER 118.

An Act respecting the City of Chatham.

Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.

WHEREAS the Corporation of the City of Chatham Preamble.
 by its petition has prayed for special legislation in
 respect of the matter hereinafter set forth; and whereas it is
 expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario,
 enacts as follows:

1. Section 2 of *The City of Chatham Act, 1921*, as re-enacted 1921,
c. 97, s. 2
 by section 2 of *The City of Chatham Act, 1924*, is repealed. (1924,
c. 88, s. 2),
repealed.
2. This Act shall come into force on the day it receives the Commence-
ment of Act.
 Royal Assent.
3. This Act may be cited as *The City of Chatham Act, 1949*. Short title.

CHAPTER 119.

An Act respecting the Cornwall Street Railway,
Light & Power Company, Limited.

*Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.*

WHEREAS the Cornwall Street Railway, Light & Power Company, Limited by its petition has represented that it is desirable to have confirmed by-law number 135-1948 of the Corporation of the City of Cornwall, by-law number 1582-1948 of the Corporation of the Township of Cornwall and the Agreement attached to each of the said by-laws dated the 15th day of March, 1948, for the purpose of granting a franchise for a period of ten years from the 1st day of January, 1949, to the Cornwall Street Railway, Light & Power Company, Limited; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law number 135-1948 of the Corporation of the City of Cornwall, passed by the council thereof on the 3rd day of May, 1948, being a by-law to grant a franchise to the Cornwall Street Railway, Light & Power Company, Limited, set forth as Schedule A hereto, is hereby confirmed and declared to be valid and binding upon the said Corporation and the ratepayers thereof and upon the said Company and upon any other person or persons affected thereby. By-law
135-1948,
validated.

2. By-law number 1582-1948 of the Corporation of the Township of Cornwall, passed by the council thereof on the 3rd day of May, 1948, being a by-law to grant a franchise to the Cornwall Street Railway, Light & Power Company, Limited, set forth as Schedule B hereto, is hereby confirmed and declared to be valid and binding upon the said Corporation and the ratepayers thereof and upon the said Company and upon any other person or persons affected thereby. By-law
1582-1948,
validated.

3. The agreement dated the 15th day of March, 1948, between the Corporation of the City of Cornwall, the Corporation of the Township of Cornwall and the Cornwall Street Railway, Light & Power Company, Limited, attached to each Agreement
validated.

of the said by-laws and set forth as Schedule C hereto, is hereby confirmed and declared to be valid and binding upon the Corporation of the City of Cornwall and the rate-payers thereof, upon the Corporation of the Township of Cornwall and the ratepayers thereof, upon the said Company and upon any other person or persons affected thereby.

Department
of Highways,
powers not
affected.
Rev. Stat.,
c. 289.

4. Nothing in the said by-laws and the said agreement shall be construed as affecting the powers conferred on the Department of Highways by *The Public Vehicle Act*.

Short title.

5. This Act may be cited as *The Cornwall Street Railway, Light & Power Company, Limited Act, 1949*.

SCHEDULE A

BY-LAW No. 135-1948

of the

CORPORATION OF THE CITY OF CORNWALL

A By-law to grant a franchise to the Cornwall Street Railway, Light and Power Company, Limited.

WHEREAS the Cornwall Street Railway, Light and Power Company, Limited was granted a franchise by the Corporation of the City of Cornwall in the year 1940 for a period of ten years to operate a street railway and also to supply the inhabitants of the City of Cornwall with electricity;

AND WHEREAS the franchise for the operation of the street railway and the supply of electricity expires on the first day of July, 1941;

AND WHEREAS the Stormont Electric Light and Power Company Limited has agreed to sell its assets to the Street Railway, Light and Power Company, Limited;

AND WHEREAS the Cornwall Street Railway, Light and Power Company, Limited has applied to the Corporation of the City of Cornwall for a franchise for a period of ten years from and after July 1st, 1949, to operate a transportation system in the City of Cornwall and to supply electricity to the Corporation of the City of Cornwall and to the inhabitants thereof.

BE IT THEREFORE ENACTED a By-law of the Corporation of the City of Cornwall as follows:

1. Subject to the agreements, obligations, terms and conditions contained in an Agreement between the Corporation of the Township of Cornwall, the Corporation of the City of Cornwall and the Cornwall Street Railway, Light and Power Company, Limited dated the fifteenth day of March, 1948 which Agreement is attached hereto as Schedule 1 to this By-law, the Corporation of the City of Cornwall grants to Cornwall Street Railway, Light and Power Company, Limited an exclusive transportation franchise for passenger and freight switching service within the City of Cornwall and the right to supply electrical power or energy to the said City of Cornwall and to the inhabitants thereof, for the term of ten years, from and after the First day of July, 1949.

2. The Mayor and the Clerk are hereby authorized to execute the said Agreement on behalf of the Corporation of the City of Cornwall.

Read a first and second time in open Council this 16th day of March, 1948.

LLOYD D. GALLINGER,
Mayor.

F. B. BROWNIDGE,
Clerk.

PASSED, SIGNED AND SEALED this 3rd day of May, 1948.

LLOYD D. GALLINGER,
Mayor.

F. B. BROWNIDGE,
Clerk.

SCHEDULE B

BY-LAW No. 1582-1948

of the

CORPORATION OF THE TOWNSHIP OF CORNWALL

A By-law to grant a franchise to the Cornwall Street Railway, Light and Power Company, Limited.

WHEREAS the Cornwall Street Railway, Light and Power Company, Limited was granted a franchise by the Corporation of the Township of Cornwall in the year 1926 for a period of twenty-five years to operate a street railway in the Township of Cornwall;

AND WHEREAS the Corporation of the Township of Cornwall granted a franchise to the Stormont Electric Light and Power Company Limited to supply electricity to the inhabitants of the Township of Cornwall and which franchise has now expired;

AND WHEREAS the Stormont Electric Light and Power Company Limited has agreed to sell its assets to the Cornwall Street Railway, Light and Power Company, Limited;

AND WHEREAS the Cornwall Street Railway, Light and Power Company, Limited has applied to the Corporation of the Township of Cornwall for a franchise for a period of ten years from and after July 1st, 1949, to operate a transportation system in the Township of Cornwall and to supply electricity to the Corporation of the Township of Cornwall and to the inhabitants thereof;

BE IT THEREFORE ENACTED a By-law of the Corporation of the Township of Cornwall as follows:

1. Subject to the agreements, obligations, terms and conditions contained in an Agreement between the Corporation of the Township of Cornwall, the Corporation of the City of Cornwall and the Cornwall Street Railway, Light and Power Company, Limited dated the Fifteenth day of March, 1948, which Agreement is attached thereto as Schedule 1 to this By-law, the Corporation of the Township of Cornwall grants to the Cornwall Street Railway, Light and Power Company, Limited an exclusive transportation franchise for passenger and freight switching service within the urban area of the said Township of Cornwall surrounding the City of Cornwall, and the right to supply electrical power or energy to the said Township of Cornwall and to the inhabitants thereof, for the term of ten years, from and after the First day of July, 1949.

2. The Reeve and the Clerk are hereby authorized to execute the said Agreement on behalf of the Corporation of the Township of Cornwall.

Read a first and second time in open Council this 15th day of March, 1948.

A. MARLEAU,
Acting Reeve.

V. A. McDONALD,
Clerk.

PASSED, SIGNED AND SEALED this 3rd day of May, 1948.

J. E. U. ROULEAU,
Reeve.

(Seal)

V. A. McDONALD,
Clerk.

SCHEDULE C

THIS AGREEMENT made in triplicate on the 15th day of March, 1948.

BETWEEN:

THE CORPORATION OF THE CITY OF CORNWALL, herein-
after called "The City",

OF THE FIRST PART,

THE CORPORATION OF THE TOWNSHIP OF CORNWALL,
hereinafter called "The Township",

OF THE SECOND PART,

CORNWALL STREET RAILWAY, LIGHT AND POWER COM-
PANY, LIMITED, hereinafter called "The Company",

OF THE THIRD PART.

WHEREAS the Company, incorporated by Letters Patent in the Province of Ontario in 1902, has operated a Street Railway in the City and Township since its incorporation;

AND WHEREAS by City By-law No. 19 for the year 1940, the franchise of the Company was renewed for a term of ten years, expiring the 1st day of July, 1951.

AND WHEREAS by By-law No. 1113 of the Township for the year 1926, the franchise of the Company was extended for a period of twenty-five years and expires in 1951;

AND WHEREAS the Stormont Electric Light & Power Co. Ltd., by agreement with the City dated the 8th day of July, 1940, is supplying the City with electricity and by the said agreement its franchise expires on the 1st day of July, 1951;

AND WHEREAS the said Stormont Electric Light & Power Co. Ltd. is supplying a portion of the Township of Cornwall with electricity and its franchise in the Township has expired;

AND WHEREAS the said Stormont Electric Light & Power Co. Ltd. has agreed to sell its assets to the Company and to assign all its rights, including the said franchise, to the Company;

AND WHEREAS the Company has considered it expedient to purchase trolley coaches to replace its street cars at a cost of approximately \$500,000.00 in order to operate an efficient passenger transportation system in the said City and Township;

AND WHEREAS the Company, before making capital expenditures for the purchase of such equipment, has applied to the City and Township for a new franchise.

NOW THIS AGREEMENT WITNESSETH that, in consideration of the premises, the City and the Township, their successors and assigns, and the Company and its successors and assigns, covenant, contract, and agree each with the other as follows:

TRANSPORTATION SYSTEM

1. Subject to the agreements, obligations, terms and conditions hereinafter contained, the Corporation of the City of Cornwall hereby grants to the Company an exclusive transportation franchise for passenger and freight switching service within the limits of the said City for the term of ten years from and after the 1st day of July, 1949.

2. Subject to the agreements, obligations, terms and conditions hereinafter contained, the Corporation of the Township of Cornwall hereby

grants to the Company an exclusive transportation franchise for passenger and freight switching service within the urban area of the said Township surrounding the City for the term of ten years, from the 1st day of July, 1949.

3. During the said term of ten years, the Company shall maintain and operate a fleet of not less than twelve trolley coaches and other vehicles as may be necessary on routes now in operation and on such routes or altered routes as may be agreed upon from time to time between the parties. The Company shall immediately purchase trolley coaches of the latest design and type which shall contain all modern improvements for the convenience and comfort of passengers, including lighting and heating. All buses and coaches used or operated by the Company shall be kept at all times in good and sufficient state of repair, shall be kept clean inside and out, and shall be lighted and heated at such hours and for such periods of the year as may be necessary for the comfort and convenience of passengers.

4. The Company will, within six months after the 1st day of July, 1949, cease to operate any and all street cars within the said City and Township. The Company will either cover abandoned street railway tracks with asphalt pavement to a width of eight feet, or remove such abandoned track. On those streets where motor vehicles travel over the street railway tracks, the Company will level the street with pavement to a width of eight feet where street railway tracks have been removed. Where tracks are removed from an area not now paved, the Company shall not be under any obligations to pave but only to level the ground. Where abandoned street railway tracks have been covered with pavement, the abandoned track shall be the property of the Municipality in which the tracks are located, and the City or Township will relieve the Company from all liability in connection therewith.

5. This agreement shall not apply to the operation of motor buses or other passenger vehicles running between any points within the limits of the City and the urban area of the Township surrounding the City, and cities, towns or villages outside the said limits so long as such motor buses or other passenger vehicles do not convey passengers between points within the said limits. It shall not apply to taxi cabs duly licensed by the City or Township.

6. The Company may charge and collect from every person entering any of its coaches or buses for a continuous journey of any distance on its system a cash fare of seven cents if a passenger has the exact change and ten cents cash fare if the passenger has no change; a child shall pay five cents cash; children under five years of age, accompanied by a parent or other person having them in charge may travel free. The Company shall also sell tickets good for children only at the price of twenty-five cents for eight tickets; and shall sell adult tickets at the price of twenty-five cents for four tickets; and each of such tickets shall entitle the holder to one continuous journey on the coaches or buses as aforesaid. No person except employees in the service of the Company shall be entitled to travel free upon any of the coaches or buses of the Company. "Child" shall mean any one five to twelve years of age inclusive, and school children. Any one wishing to transfer from one vehicle to another shall be entitled to a non-transferable transfer free. Between the hours of 12.00 midnight and 5.00 a.m. the fare for all passengers shall be ten cents cash.

7. In the event of the Company failing for the space of six continuous months to maintain and operate its transportation system in substantial conformity with the provisions of this agreement, the City or the Township respectively by resolution thereon, may declare that all the privileges and rights to operate its transportation system which the Company has acquired therein by this agreement, are at an end and such privileges and rights shall thereupon cease and be at an end accordingly.

8. In the event of material changes, downwards or upwards, taking place in the cost to the Company of providing transportation services as provided for by this Agreement, adjustments of the fares hereinbefore provided for may be made by agreement between the City, the Township

and the Company. In the event that the parties hereto cannot agree, the matter in dispute shall be settled as in paragraph 32 hereof provided.

9. The Company shall have the privilege of placing poles necessary to support its overhead equipment thereon along the streets, squares, alleys and public places of the City and Township wherever necessary, subject to the approval of the Engineer or Superintendent of the respective municipalities.

10. The Company shall have the right of constructing and maintaining tracks on such streets of the City and Township as may be necessary for the efficient operation of its freight services, subject to the approval of the respective councils. It will not unnecessarily hinder or obstruct ordinary travel upon the streets and the Company shall enjoy all reasonable facilities for construction and maintenance work. The Company will maintain the roadway between the rails and at least one foot, six inches from the outside of each rail, and will keep this portion of the roadway in good repair. The Company shall not be under any obligation to pave roadways as hereinbefore provided except those now being used for vehicular traffic; provided that if the City or Township construct, repair or resurface a street on which the Company has tracks, the Company will construct, repair or resurface that portion of roadway as herein set out to make it conform to the roadbed of the streets through which the lines pass, making it at least equal in permanence and durability to the adjoining roadbed. Should the Company neglect to keep the track or the roadway or crossings between and on each side of the rails in good condition, or have the necessary repairs made therein, the City or Township engineer or other proper officer may give notice thereof requiring such repairs to be made forthwith and if not made within a reasonable time, the said Engineer or other officer as aforesaid may cause the repairs to be made and the amount so expended may be recovered from the Company in any court of competent jurisdiction.

11. On those portions of the streets where the Company is using railway tracks, it shall be the duty of the Company, during the season of snow and ice, to level all such accumulations as may be removed from its tracks in such manner as not to unduly impede or hinder traffic. Except as aforesaid, the Company shall not be under any obligation to move or remove snow and ice from the streets. The City and Township agree to keep their streets clear of snow and ice so that the Company can operate its coaches and buses without difficulty and in an efficient manner. The City and Township agree to pave and keep in good repair all streets on which trolley coach or bus service is maintained. The pavement will be of a width and the corners sufficiently rounded to permit the free operation of coaches and buses. The Company shall have the privilege, but shall be under no obligation, to sand the roadway and operate snow-ploughs when the Company considers it necessary to do so, without charge to the respective municipalities.

12. Service shall be maintained by the Company of such streets and at such times as may be decided upon from time to time by the Company, and approved by the City and Township. All matters in dispute shall be settled as hereinafter provided by clause 32.

13. The City and Township reserve the right to dig or excavate in or upon any street on which railway tracks are constructed or on which trolley coach lines have been established for the purpose of laying down, examining, replacing or repairing any wire, or water, gas or sewer pipe or pipes or making or shutting off any connection therewith or for the purpose of making any other public improvements or doing any other public work. And the Company shall not have any recourse against the City or Township for damages or otherwise because of any detention or obstruction to the travel upon the said transportation lines arising therefrom. Such digging, excavating or opening of any such streets for the purpose aforesaid shall be done by the City or Township with all necessary dispatch so that no unnecessary detention or obstruction to travel upon the said transportation lines shall arise therefrom. Provided, however, that the City or Township shall in every such case give the Company reasonable notice of such work so that the Company can

construct and use proper bridges for the operation of its vehicles. In the event of fire or other obstruction in the street, the City and Township agree to co-operate with the Company by giving immediate notice thereof so that bridges can be constructed and used to enable the Company to operate its service without cost to the municipalities.

ELECTRICAL SYSTEM

14. The City and Township hereby consent to the assignment and transfer of all the assets, agreements, franchises and rights of the Stormont Electric Light & Power Co. Ltd. to the Cornwall Street Railway, Light & Power Co., Ltd.

15. Subject to the agreements, obligations, terms and conditions hereinafter contained, the City and the Township hereby grant to the Company the right to supply electrical power or energy to the said City and Township and to the inhabitants thereof for the term of ten years, from and after the 1st day of July, 1949.

16. The Company shall have the right to use the streets, highways and other public places in the City and Township for the transmission and distribution of electricity.

17. The Company agrees to supply lamps of not less than one hundred candle power for lighting the streets of the City and the Township, the lamps to be located where lamps are now located in the City and Township and to the number now in use or in such places for greater efficiency the City or Township may direct them to be placed.

18. The City and Township are to pay the Company for the one hundred candle power lamps the sum of \$9.00 each and for any additional lamps that may hereafter be placed during the term of said contract the sum of \$9.00 each in each and every year during the ten years payable in monthly instalments; for lamps of greater capacity the City and Township are to pay the Company for two hundred and fifty candle-power lamps the sum of \$15.00 each, for four hundred candle-power lamps the sum of \$21.00 each and for six hundred candle-power lamps the sum of \$27.00 each in each and every year during the said term of ten years payable in monthly instalments. Additional lamps of the above ratings shall be installed by the Company upon receiving notice in writing from the Clerk of the City or Township pursuant to resolution of Council and at the prices above stated.

19. During the term of this agreement, street lamps are to be kept burning from sunset to sunrise every night. The Company will keep the said street lamps renewed, clean and in proper repair and shall keep the wires and other devices leading to the lamps in proper repair and condition, and care shall be taken by the Company at all times to see that all necessary precautions are taken so as not to cause loss of light or damage to persons or property from live wires or other causes.

20. Any police officer of the City or Township on printed forms to be supplied by the Company may require the replacement of any street lamp burned out or whose efficiency is impaired below the contract requirements, and the Company shall, if such complaint is justified under this agreement, forthwith replace the same.

21. Changes of location of lamps must be made by the Company at a reasonable time after the receipt of notice from the City or Township. The actual cost only of the labour and materials in making this change shall be charged to the City or Township.

22. The Company shall furnish electricity to consumers within the limits of the City and the urban area of the Township surrounding the City during the term of this agreement at the following rates:

DOMESTIC SERVICE—COMPOSITE RATE

Three cents (3c) per kilowatt hour for the first sixty kilowatt hours per month plus one cent (1c) for all additional kilowatt hours per month, the gross bill to be subject to a discount of 10% for payment

within fifteen days from mailing or delivery of the account by the Company to the customer. The minimum bill shall be fifty cents (50c) per month.

COMMERCIAL SERVICE—COMPOSITE RATE

Three cents (3c) per kilowatt hour for the first one hundred hours use per month of the connected load, plus one cent (1c) per kilowatt hour for all additional consumption per month, the gross bill to be subject to a discount of 10% for payment within fifteen days from mailing or delivery of the account by the Company to the customer. The minimum bill shall be fifty cents (50c) net per month.

RURAL RATES

The Company shall furnish electricity to consumers outside of the said limits during the term of this agreement at the following rates:

Block Meter—

4½c per K.W.H. for the first 50 K.W.H. per month.

3c per K.W.H. for the second 50 K.W.H. per month.

1½c per K.W.H. for the excess over 100 K.W.H. per month.

Minimum charge \$1.00 net per month.

Prompt Payment Discount (Rural)—10% for cash within 15 days of date of mailing or delivery of bill.

23. In the event of material changes downwards or upwards taking place in the cost to the Company of providing electrical power as provided for by this agreement, adjustments of the rates hereinbefore provided for may be made by agreement between the City, the Township and the Company. In the event that the parties hereto cannot agree, the matter in dispute shall be settled as in paragraph 32 hereof provided.

24. The Company shall provide, free of charge, meters for measuring electric current consumed by each private consumer. No account for electric current consumed shall be less than fifty cents for each month except to rural customers and in the event of the electric current consumed according to the meter reading amounting, at the rates fixed by this agreement, to less than the said sum of fifty cents for any one month, except to rural customers, the Company shall be entitled to charge each month a minimum account of fifty cents, except to rural customers, for such electric current notwithstanding such meter reading. Nothing in this agreement contained shall be held to prevent the Company from rendering accounts to customers upon a bi-monthly basis.

25. The Company shall provide during the term of this contract a continuous twenty-four hour daily service on its electric light and power system for private consumers.

26. In case of fire, the Company, within a reasonable time after a call has been given to an official of the Company, shall have a man on the scene who will cut or remove such line or wires as may interfere with the work of the fire department. In case the Company's employee is not at the scene of the fire within a reasonable time after the call has been given, the fire department may remove or cut the wires at its own risk and it shall be the duty of the Company as soon as possible thereafter to render such wires and lines harmless and to restore them at once after the exigencies which caused the removal have ceased to exist, without expense to the City or Township, provided that no rebate shall be deducted for any such street lights as may be extinguished by such contingencies.

27. The Company shall not be required to serve any area now being served with electricity by some other company.

GENERAL PROVISIONS

28. The City and Township will each enact by their respective councils a by-law approving this agreement, which by-law shall be submitted for the assent of the Municipal electors of their respective municipalities qualified to vote thereon (subject to the provisions of Sec. 69 of *The Ontario Municipal Board Act*, R.S.O. 1937, Chap. 60). If the said by-laws receive the assent of the electors (subject to the provisions of said Sec. 69 of *The Ontario Municipal Board Act*), the City and the Township will join with the Company in applying to the Legislature for legislation confirming and ratifying this agreement and the said by-laws and declaring the same to be valid and binding on the Company and the City and the Township. All expenses of taking such vote and of procuring such legislation are to be paid and borne by the Company.

29. If at any time the City and Township desire to purchase all the assets and business of the Company, the Company will sell all of its assets and business to the City and Township or their nominee, at a price to be agreed upon by the parties hereto, or to be determined as provided by paragraph 32, having regard in either case to the physical value of the said assets and business as a going concern. Provided, however, that when any matter under this paragraph is referred to arbitration, an appeal shall lie from the award as provided by *The Arbitration Act*, R.S.O. 1937, Chap. 109.

30. The Company shall have the privilege of cutting or trimming any trees on the streets of the City or Township which interfere with the construction or maintenance of its lines or with the operation of its service, subject to the approval of the Engineer or Superintendent of the respective Municipalities.

31. If the Company is prevented from performing its obligations under this agreement by fire, flood, earthquake, strike, riot, Act of God, or other circumstances beyond its control, the Company shall be entitled to a reasonable time to restore service. In event of dispute, it shall be settled as provided in paragraph 32.

32. All matters of difference in relation to this agreement shall be referred to the arbitration of a single arbitrator, if the parties agree upon one, otherwise to three arbitrators, one to be appointed by the parties of the first and second parts, one by the party of the third part, and a third to be chosen by the two arbitrators first named before they enter upon the business of the arbitration, or, failing this agreement, to be appointed by a judge of the Supreme Court of Ontario, and the award and determination of such arbitrator or arbitrators or any two of such three arbitrators shall be binding upon the parties hereto and their respective successors and assigns. All costs of the arbitration shall be borne between the parties hereto in equal shares, one-half of the costs to be paid by the parties of the first and second part and one-half the costs to be paid by the Company.

33. The Company agrees that it will indemnify and save harmless the City and Township from any and all claims, demands, and causes of action, together with costs thereof, which may arise as the result of any negligent act of omission or commission of the Company's employees, agents or workmen while actively engaged in the operation of the Company. The City and Township agree that upon receipt of notice of any claim, demand or cause of action arising from any act of omission or commission of the Company's employees, agents, or workmen while actively engaged in the operation of the Company, each of them will advise the Company in writing of the receipt of such notice and will permit the Company, in the name of the City and Township or either of them, to defend any action brought pursuant to such notice. The City and Township agree that they will not pay or settle or agree to pay or settle any of the said claims, demands or causes of action without the express written consent of the Company.

IN WITNESS WHEREOF the parties have hereunto fixed their corporate seals by the hands of their duly qualified officers.

SIGNED, SEALED AND DELIVERED:

D. ROBERTSON

B. PALMER

C. I. BACON

THE CORPORATION OF THE CITY
OF CORNWALL

LLOYD D. GALLINGER

F. B. BROWNRIDGE

THE CORPORATION OF THE TOWN-
SHIP OF CORNWALL

J. E. U. ROULEAU

V. A. McDONALD

CORNWALL STREET RAILWAY
LIGHT & POWER CO., LTD.

H. P. THORNHILL,
President

E. R. ALEXANDER,
Secretary-Treasurer.

CHAPTER 120.

An Act respecting Cottam Farmers Limited.

*Assented to April 8th, 1949.
Session Prorogued April 8th, 1949.*

WHEREAS Cottam Farmers Limited (hereinafter called Preamble.
the Corporation), a corporation incorporated under *The Rev. Stat.,*
Companies Act, by its petition has prayed for special legislation c. 251.
in respect of the matters hereinafter set forth; and whereas it
is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Notwithstanding any provision in *The Companies Act*, Corporation
on and after the 1st day of January, 1950, the Corporation to operate as
shall,— co-operative
and subject
to Rev. Stat.,
c. 251,
Part XII.

(a) be operated on a co-operative basis within the mean-
ing of Part XII of *The Companies Act* as amended
from time to time; and

(b) be subject to Part XII of *The Companies Act* as
amended from time to time,

except that the Corporation may provide for the payment of Proviso.
interest on the paid-up capital at such rate as may be deter-
mined annually by by-law, and except that the Corporation
shall not be permitted to use the word "co-operative" as a
part of its name.

2. This Act shall come into force on the day it receives the Commence-
Royal Assent. ment of Act.

3. This Act may be cited as *The Cottam Farmers Limited* Short title.
Act, 1949.

CHAPTER 121.

An Act respecting the Township of East York.

*Assented to April 1st, 1949.**Session Prorogued April 8th, 1949.*

WHEREAS, as of the 14th day of May, 1946, the Cor- Preamble.
 poration of the Township of East York claimed to be
 the absolute owner in fee simple, free from encumbrance,
 of the lands comprised within the boundaries of the plan of
 subdivision made by S. Lanson, Esquire, Ontario Land
 Surveyor, dated the 25th day of January, 1946, and registered
 in the Registry Office for the Registry Division of the East
 and West Riding of the County of York on the 14th day of
 May, 1946, as Number 3281; and whereas parts of such lands
 have been sold and conveyed by the Corporation to various
 purchasers; and whereas some questions have arisen as to
 the title of the Corporation to some parts of the said lands;
 and whereas the Corporation by its petition has prayed that
 the said property be vested in such purchasers in fee simple;
 and whereas it is expedient to grant the prayer of the said
 petition;

Therefore, His Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario,
 enacts as follows:

1. The Corporation of the Township of East York is Vesting of
certain
lands.
 declared to have been as of the 14th day of May, 1946, the
 absolute owner in fee simple, free from encumbrance, of all
 the lands comprised within the boundaries of the plan of
 subdivision made by S. Lanson, Esquire, Ontario Land
 Surveyor, dated the 25th day of January, 1946, and registered
 in the Registry Office for the Registry Division of the East
 and West Riding of the County of York on the 14th day of
 May, 1946, as Number 3281.

2. All sales made by the Corporation of the Township of Confirmation
of certain
conveyances.
 East York of any part or parts of the lands comprised within
 the boundaries of the said plan of subdivision are confirmed
 and declared to be legal, valid and binding, and every con-
 veyance of lands so sold purporting to have been executed by
 the Corporation under its corporate seal and purporting to
 convey the said lands to the purchaser thereof in fee simple,
 is also confirmed and declared to be legal, valid and binding

and shall be deemed to have had the effect of vesting the lands so sold in the purchaser, his heirs, assigns or legal representatives in fee simple clear of and free from all charges and encumbrances thereon and dower therein except taxes accruing after the said lands were so sold.

Commence-
ment of Act.

3. This Act shall come into force on the day it receives the Royal Assent.

Short title.

4. This Act may be cited as *The Township of East York Act, 1949*.

CHAPTER 122.

An Act respecting the Township of Etobicoke.

*Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.*

WHEREAS the Corporation of the Township of Etobicoke by its petition has prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) On and after the day upon which the Board of Education created by this Act holds its first meeting, the whole of the Township of Etobicoke, except School Section No. 9, is hereby created a township school area. Township school area established.

(2) School Section No. 9 of the said Township which now forms part of a union school section shall not become part of the township school area until such time as the said union school section is dissolved pursuant to *The Public Schools Act*. School Section No. 9,—not included; Rev. Stat., c. 357.

(3) Upon the dissolution of the said union school section, School Section No. 9 shall form part of the township school area hereby created and its assets shall be vested in and become the property of the Board of Education hereby created, subject to its liabilities. included upon dissolution of union section.

2. On and after the 1st day of January, 1950, the present high school district in the Township of Etobicoke is hereby enlarged to include the whole of the Township of Etobicoke. High school district enlarged.

3. On and after the day upon which the Board of Education created by this Act holds its first meeting The Collegiate Institute Board of the Township of Etobicoke and all public school boards, except the public school board for School Section No. 9, are hereby dissolved, and all their powers and duties shall be carried on by one board of education to be known as The Board of Education for the Township of Etobicoke, which shall be a corporation by that name herein- Dissolution of existing school boards. Board of Education established.

after referred to as the Board of Education, and which shall have and possess all the powers and perform all the duties which by this or any other Act are conferred or imposed upon a public school board in a rural municipality, a high school board, a collegiate institute board, or a board of education.

Composition
of Board.

Rev. Stat.,
c. 361.

4. The Board of Education shall be composed in the same manner as if it had been created by a by-law passed pursuant to *The Boards of Education Act*.

First
election.

5.—(1) The first election of members of the Board of Education shall be held at the earliest possible date after the day this Act comes into force, at which seven members shall be elected by the general vote of persons qualified to vote for public school trustees, and the provisions of *The Public Schools Act* respecting qualifications of urban school trustees and the election of such trustees by ballot shall apply to the election.

Term of
office of
members
first elected.

(2) The four members who receive the highest number of votes at the first election shall continue in office until the 31st day of December, 1951, and until their successors are elected and the new board organized, and the remaining members shall continue in office until the 31st day of December, 1950, and until their successors are elected and the new board is organized.

Qualifica-
tions of first
members.

(3) No person shall be disqualified from being nominated and elected to the Board of Education at the first election by reason of being at that time a public or high school trustee.

Rev. Stat.,
c. 361 to
apply to
elections.

Proviso.

6. At the time of holding the municipal elections for the year 1951 and thereafter the elective members shall be elected in the manner provided by *The Boards of Education Act*, except that the qualifications of members shall be those of urban school trustees as provided by *The Public Schools Act*.

First
meeting
of Board.

7.—(1) The clerk of the Township of Etobicoke shall call and until a chairman is elected preside at the first meeting of the Board of Education which shall be held on a date to be fixed by the Clerk, but not later than the 27th day of June, 1949, at the hour of 2 o'clock in the afternoon at the township hall, at which the members of the Board of Education shall elect a chairman and secretary-treasurer or a secretary and a treasurer.

Assets and
liabilities
of other
school
boards.

(2) Upon the holding of such first meeting all real and personal property theretofore vested in the collegiate institute board of the Township and in the public school boards of the Township, except the board of School Section No. 9,

shall be vested in and become the property of the Board of Education, and it shall be responsible for and shall discharge all the debts, liabilities and obligations for which the said boards are liable.

8. All the provisions of *The Boards of Education Act* which are not inconsistent with this Act shall apply to the Board of Education created by this Act in the same manner and to the same extent as if the Board of Education had been created by a by-law pursuant to *The Boards of Education Act*. Application of Rev. Stat., c. 361.

9.—(1) All rights and claims between the respective parts of the Township comprising the several public school sections at the time of the establishment of the Board of Education under this Act shall be valued, adjusted and determined in the manner provided in section 16 of *The Public Schools Act*. Adjustment of claims.

(2) On and after the 1st day of January, 1950, all rates for the payment of high school debentures outstanding on that date shall be levied over the entire Township. High school rates.

10.—(1) Notwithstanding any of the provisions in this or any other Act, the levy to be made in any year for debenture rate for public school purposes in the present school sections numbers 4, 6, 7 and 9 upon lands, consisting of not less than forty-five acres in area, assessed in one parcel and used as farm lands shall not exceed the rate of one mill on the dollar of assessment until such time as a capital debt is incurred for the erection, alteration or enlargement of a school or schools for the purpose of serving the said four school sections, or any of them. Levy on farm lands.

(2) This section shall not apply to School Section No. 9 until such time as it becomes part of the township school area. Proviso.

11.—(1) The council of the Corporation shall before the 31st day of December, 1950, submit to the vote of persons qualified to vote for public school trustees the question "Are you in favour of electing the Board of Education by wards?" Submission of question to electors.

(2) In case the question is answered in the affirmative by a majority of the persons voting thereon the council of the Corporation shall forthwith apply to the Ontario Municipal Board to divide the Township into not less than three wards for the purpose of the election of the Board of Education, and the Ontario Municipal Board may for such purpose divide the Township into not less than three wards, each ward having a population of not less than five hundred persons. Division of township into wards.

(3) If the question is answered in the affirmative, the Ontario Municipal Board shall make such division not later than First election after division into wards.

than the 1st day of October, 1951, and all members of the Board of Education shall cease to hold office on the 31st day of December, 1951, and thereafter the Board of Education shall consist of two members to be elected in each ward of the Township and one member to be appointed by the separate school board having jurisdiction in the Township, and the provisions of subsections 3 and 4 of section 5 of *The Boards of Education Act* shall apply *mutatis mutandis* to the Board created under this section.

Commence-
ment of Act.

12. This Act shall come into force on the day it receives the Royal Assent.

Short title.

13. This Act may be cited as *The Township of Etobicoke Act, 1949*.

CHAPTER 123.

An Act respecting The Federation for Community Service of Toronto.

*Assented to April 1st, 1949.**Session Prorogued April 8th, 1949.*

WHEREAS The Federation for Community Service of Preamble.
 Toronto, a corporation incorporated under *The Com-* Rev. Stat.,
c. 251.
panies Act, by its petition has prayed for special legislation
 in respect of the matters hereinafter set forth; and whereas
 it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario,
 enacts as follows:

1. Upon and after the surrender and cancellation of the Bequests,
etc., to
Federation
for Com-
munity
Service of
Toronto.
 charter of The Federation for Community Service of Toronto
 in accordance with the provisions of *The Companies Act*,
 all donations, gifts, legacies, devises, bequests, moneys, secur-
 ities and property of every description to which The Federation
 for Community Service of Toronto would become entitled if it
 were still in existence, shall become the property of and all
 rights thereto shall be vested in the Community Chest of
 Greater Toronto, a corporation incorporated under *The
 Companies Act*.

2. This Act shall come into force on the day it receives Commence-
ment of Act.
 the Royal Assent.

3. This Act may be cited as *The Federation for Community* Short title.
Service of Toronto Act, 1949.

CHAPTER 124.

An Act to establish The Frontenac High School District.

*Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.*

WHEREAS the Corporation of the County of Frontenac ^{Preamble.} by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,—

Interpre-
tation,—

- (a) "Board" means The Frontenac District High School "Board"; Board;
- (b) "County of Frontenac" means the territorial area of ^{"County of Frontenac".} which for municipal purposes the County of Frontenac is composed.

2.—(1) The area comprising the County of Frontenac, ^{Frontenac County High School District established.} except those parts which respectively consist of the City of Kingston and the Township of Wolfe Island, is hereby established as a high school district to be known as The Frontenac High School District.

(2) The Sydenham High School District is discontinued ^{Sydenham High School District dissolved.} and dissolved and shall be deemed to have been succeeded by The Frontenac High School District.

3.—(1) The board of high school trustees for The Frontenac ^{Board a corporation.} High School District shall be a corporation by the name of The Frontenac District High School Board.

(2) Until the 31st day of December, 1949, and thereafter ^{First Board.} until the trustees first appointed pursuant to subsection 3 take office, the Board shall consist of the trustees who were trustees of The Sydenham High School Board immediately prior to the day this Act comes into force.

Composition
of Board.

(3) On and after the 1st day of January, 1950, the Board shall consist of six trustees appointed by the council of the Corporation of the County of Frontenac, three of whom shall retire each year.

Transfer of
assets and
liabilities.

4. The assets and liabilities of The Sydenham High School Board are vested in and made the assets and liabilities of the Board.

Issue of
debentures.

5.—(1) Where the Board requires money for permanent improvements to be raised by issue of municipal debentures, such money may be raised by issue of debentures of the Corporation of the County of Frontenac and for that purpose the council of the County shall have and may exercise the same powers as *The High Schools Act* gives to local municipalities with respect to the issue of debentures for high school purposes.

Rev. Stat.,
c. 360.

Liability for
debenture
debts.

(2) The annual amount required to pay off any debentures issued by the County under the authority of this Act and to pay interest thereon shall be apportioned and raised and paid to the County in the manner set out in subsection 8 of section 43 of *The High Schools Act*.

Application
of Rev. Stat.,
c. 360.

6. Except as expressly varied by this Act, all of the provisions of *The High Schools Act* shall apply to The Frontenac High School District and to the Board and to the high schools under its jurisdiction.

Commence-
ment of Act.

7. This Act shall come into force on the day it receives the Royal Assent.

Short title.

8. This Act may be cited as *The Frontenac High School District Act, 1949*.

CHAPTER 125.

An Act respecting The Hospital for Sick Children.

Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.

WHEREAS The Hospital for Sick Children by its Preamble.
 petition has prayed that an Act be passed amending
 its Act of Incorporation as hereinafter set forth; and whereas
 it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario,
 enacts as follows:

1. Section 9 of *The Hospital for Sick Children Act, 1915*, ^{1915,}
 as re-enacted by section 3 of *An Act respecting the Hospital* ^{c. 89, s. 9,}
for Sick Children and the estate of John Ross Robertson, deceased, ^{(1919,}
^{c. 121, s. 3),}
 being chapter 121 of the Statutes of Ontario, 1919, is repealed
 and the following substituted therefor:

- 9.—(1) No person who is a governor, trustee, director, ^{Trustees,}
 member of the board of management, officer, em- ^{officers, etc.,}
 ployee or servant of any other hospital or infirmary ^{of other}
 shall be eligible to be appointed a trustee or officer ^{hospitals}
 of the corporation and any purported appointment ^{not eligible.}
 of such person as a trustee or officer of the corpora-
 tion shall be null and void.
- (2) If any trustee or officer of the corporation becomes ^{Trustees or}
 a governor, trustee, director, member of the board ^{officers}
 of management, officer, employee or servant of any ^{ceasing to}
 other hospital or infirmary, such person shall *ipso facto* ^{hold office on}
 cease to be a trustee or officer of the corporation. ^{appointment}
^{to other}
^{hospitals.}
- (3) If any trustee fails to attend the regular meetings of ^{Vacancy in}
 the board of trustees for six consecutive months, ^{office owing}
 a majority of the trustees shall have power to declare ^{to absence}
 a vacancy in the board. ^{from meet-}
^{ings.}
- (4) In case of the exercise of the power referred to in ^{Vacancies,—}
 subsection 3 or in case of the death or resignation of ^{how filled.}
 any trustee or of any trustee ceasing to be a trustee
 by reason of subsection 2, the vacancy so created
 shall be filled at a regular meeting by a majority

of the remaining trustees present at such meeting, the name of the proposed trustee being sent to each trustee one week prior to the meeting at which such new trustee is to be appointed.

1915,
c. 89, s. 11,
re-enacted.

2. Section 11 of *The Hospital for Sick Children Act, 1915* is repealed and the following substituted therefor:

Certain
lands not
subject to
expropria-
tion.

11. No part of the blocks of land in the City of Toronto,—

(a) lying south of the southerly limit of College Street and bounded on the west by Elizabeth Street, on the east by Laplante Avenue and on the south by Hayter Street; and

(b) lying south of the southerly limit of Gerrard Street West and bounded on the west by University Avenue, on the east by Chestnut Street and on the south by Elm Street,

which are now vested in the corporation and used for the purpose of the corporation, shall be liable to expropriation by any municipality, corporation or person for any purpose whatsoever without the consent of the corporation.

Commence-
ment of Act.

3. This Act shall come into force on the day it receives the Royal Assent.

Short title.

4. This Act may be cited as *The Hospital for Sick Children Act, 1949*.

CHAPTER 126.

An Act respecting the Incorporated Synod of the
Diocese of Ontario.

*Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.*

WHEREAS the Incorporated Synod of the Diocese of Preamble.
Ontario by its petition has prayed that an Act may be
passed to amend and extend its powers with respect to the
investment of its funds; and whereas it is expedient to grant
the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Section 2 of *An Act to amend the Synod and Rectory Sales* 1875-76,
Acts affecting the Diocese of Ontario, being chapter 109 of the c. 109, s. 2,
Statutes of Ontario, 1875-76, is amended by inserting after
the word "estate" in the ninth line the words "or in such
other securities as are now or shall hereafter be authorized
investments for joint stock insurance companies and cash-
mutual insurance corporations under *The Companies Act*", so
that the section shall read as follows:

2. The said incorporated synod may invest all or any Investment
of funds.
of the funds entrusted to its care, including those
derived from the sale of rectory lands, notwith-
standing the Act passed in the Session held in the
twenty-ninth and thirtieth years of the reign of
Her present Majesty, chaptered sixteen, and inti-
tuled "An Act to provide for the sale of Rectory
lands in this Province," in Government securities,
municipal debentures, the stocks of any permanent
building society or in first mortgages of real estate,
or in such other securities as are now or shall here-
after be authorized investments for joint stock
insurance companies and cash-mutual insurance cor-
porations under *The Companies Act*; but nothing in Rev. Stat.,
c. 251.
this Act contained shall be construed to give the
said incorporated synod power or authority to apply
the income derived from any such investments
otherwise than in strict accordance with the special
trusts relating to such funds respectively.

Commence-
ment of Act.

2. This Act shall come into force on the day it receives the Royal Assent.

Short title.

3. This Act may be cited as *The Incorporated Synod of the Diocese of Ontario Act, 1949.*

CHAPTER 127.

An Act respecting The Incorporated Synod of the
Diocese of Toronto.

*Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.*

WHEREAS The Incorporated Synod of the Diocese of Preamble.
Toronto, hereinafter called the Synod, by its petition
has represented that by *An Act to enable the Incorporated* 1891, c. 101.
Synod of the Diocese of Toronto to consolidate and manage its
Trust Funds, being chapter 101 of the Statutes of Ontario,
1891, it was enabled to hold, manage and invest all personal
property, securities and moneys, which were or should there-
after become vested in or held by the Synod, as one general
trust fund, hereinafter called the Consolidated Trust Fund;
and whereas the Synod desires to be empowered to invest the
assets of the Consolidated Trust Fund in such a manner as
to obtain a greater diversity of investments and increase the
income derived therefrom; and whereas it is expedient to
grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. In addition to the powers of investing in trustee invest-
ments, the Synod may invest up to thirty per centum of the
book value of the assets now or hereafter comprising its
Consolidated Trust Fund in any investments or securities
that are now or may hereafter be authorized investments for
joint stock insurance companies and cash-mutual insurance
corporations under *The Companies Act*, and may alter and
vary such investments from time to time by substituting
others of a like nature. Investment
of part of
Consolidated
Trust Fund.

Rev. Stat.,
c. 251.

2. This Act shall come into force on the day it receives the
Royal Assent. Commence-
ment of Act.

3. This Act may be cited as *The Incorporated Synod of the*
Diocese of Toronto Act, 1949. Short title.

CHAPTER 128.

An Act respecting the Township of Kingston.

*Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.*

WHEREAS the Corporation of the Township of Kingston Preamble.
and the Board of School Trustees of the Township
School Area of Kingston No. 1 by their petition have prayed
for special legislation with respect to the matters hereinafter
set forth; and whereas it is expedient to grant the prayer of
the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. The Corporation of the Township of Kingston and the Board of School Trustees of the Township School Area of Kingston No. 1 are hereby authorized and empowered to enter into such agreement with His Majesty in right of Canada acting and represented by Wartime Housing Limited, terminating the existing agreement between the Corporation of the Township of Kingston, Wartime Housing Limited and His Majesty the King in right of Canada acting and represented by the Honourable the Minister of Munitions and Supply acting through Wartime Housing Limited, dated April 3, 1944, and substituting new provisions in respect of payments in lieu of taxation, taxation, the construction in Township School Area of Kingston No. 1 of a new school, and, pending completion of the said school, the undertaking of responsibility for education of pupils residing in houses owned by His Majesty and operated and supervised by Wartime Housing Limited, and the financing of the construction of the said new school, and otherwise, as may be approved by the Minister of Education, notwithstanding that said Corporation and the said Board of School Trustees may not be empowered to enter into such agreement by any other statute; and such agreement when so entered into shall be legal, valid and binding. Agreements authorized.

2. This Act shall come into force on the day it receives the Royal Assent. Commencement of Act.

3. This Act may be cited as *The Township of Kingston Act, 1949.* Short title.

CHAPTER 129.

An Act respecting L'Institut Jeanne d'Arc.

*Assented to April 1st, 1949.**Session Prorogued April 8th, 1949.*

WHEREAS L'Institut Jeanne d'Arc, a corporation incor- Preamble.
 porated without share capital and without profits to
 its members under *The Companies Act*, by its petition has
 prayed for special legislation to exempt from taxation for Rev. Stat.,
 c. 251.
 municipal and school purposes all the real property owned,
 occupied and used by and for the purposes of the corporation;
 and whereas it is expedient to grant the prayer of the said
 petition;

Therefore, His Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario,
 enacts as follows:

1. All real property owned by L'Institut Jeanne d'Arc shall, Exemption
 from
 taxation.
 so long as the same is owned, occupied and used by and for
 the purposes of the said corporation, be exempt from taxation
 for municipal and school purposes other than local improve-
 ments.

2. This Act shall be deemed to have come into force on the Commence-
 ment of Act.
 1st day of January, 1949.

3. This Act may be cited as *L'Institut Jeanne d'Arc Act*, Short title.
 1949.

CHAPTER 130.

An Act respecting the City of London.

*Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.*

WHEREAS the Corporation of the City of London by its Preamble.
petition has prayed for special legislation in respect of
the matters hereinafter set forth; and whereas it is expedient
to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1.—(1) Notwithstanding any of the provisions of *The* Submission
Municipal Act, the council of the Corporation of the City of by-laws
of London is hereby authorized and empowered to submit to electors
for the approval of the electors of the City of London entitled authorized.
to vote on money by-laws, at any time during the year 1949, Rev. Stat.,
any or all of the following: c. 266.

- (a) a by-law for the purchase of the undertaking and
assets of The London Street Railway Company
or any part thereof;
- (b) a by-law for the granting of a franchise to any person
or corporation to operate a transportation system
in the City of London;
- (c) a by-law for the establishment, by purchase or other-
wise, of a municipally-operated transportation sys-
tem in the City of London;
- (d) a by-law for the reconstruction, at a cost not exceeding
\$150,000, of the Canadian Pacific Railway Company's
overhead bridge at Oxford Street in the City of
London, in conjunction with the proposed new bridge
over the River Thames at the said location;
- (e) by-laws for the borrowing of such money as may be
required for any of the purposes hereinbefore referred
to, and the issuing of debentures therefor.

(2) The votes on the said by-law or by-laws shall be taken Manner of
in the manner required by and subject to all the provisions taking
votes.

of *The Municipal Act* with respect to voting upon by-laws requiring the assent of the electors, other than those provisions as to the time of taking such vote.

Effect of
votes.

(3) Upon such vote or votes being so taken, they shall have the same force and effect as if taken at the time and in the manner provided by *The Municipal Act*.

Purchase of
London
Street
Railway
Company.

2. The Corporation of the City of London is hereby authorized and empowered to purchase the undertaking and assets of The London Street Railway Company or any part thereof, and to carry on any and all the powers, privileges and undertakings of the said Company as may be carried on by it now or at the time of such purchase.

Municipal
transporta-
tion system.

3. The Corporation of the City of London is hereby authorized and empowered to establish, by purchase or otherwise, a municipally-operated transportation system for general use in the City of London and, subject to *The Public Vehicle Act*, in the Townships of Westminster and London, and to own and hold real and personal property for use in connection therewith.

Rev. Stat.,
c. 289.

Idem.

4. Without limiting the generality of the provisions of section 3, the Corporation of the City of London is hereby authorized and empowered, either as principal, trustee, agent, lessee or otherwise, to construct, establish, equip, alter, extend, maintain and operate a surface transportation system comprising trolley buses, motor coaches and bus lines, or any of them, and to acquire and hold property rights, franchises and privileges in connection therewith, whenever it may appear to the Corporation advantageous from time to time, within the limits of the City of London and the Townships of Westminster and London; and from time to time to lease, sell or otherwise dispose of the same or any part thereof; and from time to time to delegate the operation and maintenance thereof to any commission of the Corporation now or hereafter created, as agents thereof, and to rescind from time to time such delegation.

Agreements
with Ontario
Cancer Treat-
ment and
Research
Foundation.

5. The Corporation of the City of London and The Board of Hospital Trustees of the City of London are hereby authorized and empowered to enter into an agreement or agreements and lease or leases with The Ontario Cancer Treatment and Research Foundation, and to carry out the terms and provisions thereof for the erection of an addition to Victoria Hospital at London and the leasing and demise of the same, or any part thereof, to the said Foundation upon such terms and conditions and for such periods of time as may be agreed upon, provided such periods of time shall not exceed a term of ten years and three renewals thereof for additional terms of ten years each.

6. The Corporation of the City of London and The London Railway Commission, severally or in conjunction, are hereby authorized and empowered, subject to *The Highway Traffic Act* and *The Public Vehicle Act*, to acquire by purchase or otherwise, and to operate in conjunction with The London and Port Stanley Railway or otherwise, either as principals, trustees, agents, lessees or otherwise, a system of buses for the carriage of passengers to and from the City of London and the Village of Port Stanley and intervening points.

London to
Port Stanley
buses.
Rev. Stat.,
cc. 288, 289.

7. This Act shall come into force on the day it receives the Royal Assent.

Commence-
ment of Act.

8. This Act may be cited as *The City of London Act, 1949*.

Short title.

CHAPTER 131.

An Act respecting McMaster University.

*Assented to April 1st, 1949.**Session Prorogued April 8th, 1949.*

WHEREAS McMaster University, at the request of its Preamble.
Senate, by its petition has prayed for special legislation
to amend *An Act to unite Toronto Baptist College and Woodstock* 1887, c. 95.
College under the name of McMaster University (hereinafter
called the Act of Incorporation), being chapter 95 of the
Statutes of Ontario, 1887; and whereas it is expedient to
grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Section 1 of the Act of Incorporation is amended by 1887,
adding at the end thereof the following sentence: "And upon c. 95, s. 1,
the appointment of a president, as hereinafter provided, such amended.
president shall be ex-officio a member of the said board which, President
except when the offices of chancellor and president are held by member of
the same person, will then consist of eighteen members."
board.

2. Section 3 of the Act of Incorporation is amended by 1887,
striking out the words "provided, that no gift or devise of c. 95, s. 3,
any real estate or of any interest therein in favour of the amended.
said corporation, shall be valid unless made by deed or will
executed by the donor or testator, at least six months before
his death" in the eighteenth, nineteenth, twentieth and
twenty-first lines thereof.

3. Section 4 of the Act of Incorporation is amended by 1887,
striking out the words "form a part of the course of study c. 95, s. 4,
taught by the professors, tutors, or masters appointed by the amended.
board of governors. And no person shall be eligible to the
position of chancellor, principal, professor, tutor, or master,
who is not a member in good standing of an Evangelical
Christian Church; and no person shall be eligible for the
position of principal, professor, tutor, or master in the faculty
of theology who is not a member in good standing of a Regular
Baptist church, and the said" in the third to tenth lines
inclusive, and inserting in lieu thereof the words "form a
part of the course of study taught by the professors or other

instructors appointed by the Board of Governors. And no person shall be eligible for the position of chancellor, president, vice-chancellor, principal, dean, professor or other instructor by appointment by the board on recommendation of the senate, as hereinafter provided, who is not a member in good standing of an Evangelical Christian Church; and no person shall be eligible for the position of dean, professor or other instructor holding appointment as aforesaid in the faculty of theology who is not a member in good standing of a Baptist Church, and the said”.

1887.
c. 95, s. 5,
amended

4. Section 5 of the Act of Incorporation is amended by striking out the words “principals, professors, tutors, masters” where they occur in the third and fourth lines, the sixth and seventh lines and in the tenth line, respectively, and the words “principals, professors, tutors, and masters” in the twelfth and thirteenth lines and inserting in lieu thereof in each instance the words “president, vice-chancellor, principals, deans, professors and other instructors”; and by inserting after the word “provided” in the fourteenth line the words “except that for the purpose of providing opportunity for judging of the suitability of any applicant for the office of dean, professor or other instructor, or in the case of part-time or sessional appointments, the president, or in the event of a vacancy in the office of president, then the chancellor, may, with the approval of the board but subject always to removal by the board as aforesaid, make an appointment or appointments, provided that the period of any such appointment shall not exceed twelve months”.

1887.
c. 95, s. 11
(1893,
c. 114, s. 1),
re-enacted.

5. Section 11 of the Act of Incorporation, as re-enacted by *An Act to amend the Charter of McMaster University*, being chapter 114 of the Statutes of Ontario, 1893, is repealed and the following substituted therefor:

Senate, how
constituted.

11.—(1) The senate of the said University shall be constituted as follows:

- (a) the members of the Board of Governors;
- (b) the head of the faculty of theology, and two other members of the said faculty to be elected annually by that faculty;
- (c) the head of the faculty of arts, and six other members of the said faculty, to be elected annually by that faculty;
- (d) the dean of Hamilton College and four other members of the faculty of that College, to be elected annually by that faculty;

- (e) five representatives to be elected by the Alumni Association from among the graduates in theology, each for a term of five years, retiring annually in rotation, for whose election graduates in theology only shall be eligible to vote;
 - (f) ten representatives to be elected by the Alumni Association from among the graduates in arts and science, each for a term of five years, two retiring annually in rotation, for whose election graduates in arts or science only shall be eligible to vote; provided that at the first election held after the coming into force of this Act, six shall be elected to serve for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years and one for a term of one year;
 - (g) the principal of Moulton College ex-officio.
- (2) With respect to their qualifications for senate membership and eligibility for election thereto, the provisions of section 13 shall not apply to persons becoming members of the senate pursuant to clauses *c*, *d* and *f* of subsection 1, provided that should any person becoming a senator pursuant to clause *c* or *d* of subsection 1 cease to be a member of the faculty of which he was a member at the time he became a senator, he shall thereupon cease to be a member of the said senate and the vacancy created thereby shall be filled by the faculty of which he was a member at the time he became a senator. Section 13 not applicable to certain senators.
- (3) Members of the senate elected pursuant to clause *e* of subsection 1 shall be ineligible to vote on matters solely affecting Hamilton College; and members elected pursuant to clause *f* of subsection 1 shall be ineligible to vote on matters affecting appointments and studies in theology. Limitations on voting.

6. Section 12 of the Act of Incorporation, as amended by 1887, *An Act to amend The Act incorporating McMaster University*, c. 95, s. 12, being chapter 109 of the Statutes of Ontario, 1916, is repealed and the following substituted therefor: re-enacted.

12. The senate shall have the control of the system and course of education pursued in the said university, and of all matters pertaining to the management and discipline thereof and of the examinations of all departments thereof; and shall have the power to confer degrees in theology now vested in the Toronto Powers of senate.

Baptist College, together with the power to confer the degrees of Bachelor, Master, and Doctor, in the several arts, sciences, and faculties, and any and all other degrees which may properly be conferred by a university; and shall have the right to determine the courses of study and the qualification for degrees, and the granting of the same; provided the course of study prescribed for matriculation into the said university shall in no essential sense differ or vary from that prescribed for matriculation into the University of Toronto, and in respect to any degree which the said senate has power to confer, the course of instruction and the scope of the examination for such degree shall be as thorough and comprehensive as the courses and examinations for corresponding degrees in the University of Toronto; and the senate shall make recommendations from time to time to the Board of Governors for the appointment of chancellor, president, vice-chancellor, principals, deans, professors and other instructors, and no such appointment shall be made by the Board of Governors except upon the recommendation of the senate, except that, for the purpose of providing opportunity for judging of the suitability of any applicant for the office of dean, professor or other instructor, or in the case of part-time or sessional appointments, the president, or in the event of a vacancy in the office of president, then the chancellor, may, with the approval of the board but subject always to removal by the board as aforesaid, make an appointment or appointments, provided that the period of any such appointment shall not exceed twelve months. And the senate shall have the power to settle, subject to ratification by the board, the terms upon which other colleges and schools may become affiliated with the said university, but no such affiliation other than an affiliation in theology shall take effect unless and until the same has been approved by the Lieutenant-Governor in Council; and may from time to time make by-laws, statutes or regulations affecting any of the matters aforesaid, as well as regulating the holding of meetings of the said senate, and the conduct generally of its business, and defining the respective duties, rights, and powers of the chancellor, president, vice-chancellor, principals, deans, professors and other instructors of the said university, and the same from time to time to alter or amend, as may be provided by such by-laws, statutes or regulations.

inserting after the word "chancellor" in the first line the words "and the president"; by striking out the words "a member" in the second line and inserting in lieu thereof the word "members"; by striking out the word "Regular" where it occurs in the tenth and thirteenth lines, respectively; and by striking out the words "or removes from the Dominion of Canada, or in the case of a representative of the said missionary society, or any of said conventions, removing beyond the bounds of the society or convention which appointed him" in the fourteenth, fifteenth, sixteenth and seventeenth lines.

8. Section 16 of the Act of Incorporation is amended by adding at the end thereof the following sentence: "Upon the appointment of a president as in this Act provided, such president shall be ex-officio the chairman of the senate in the place and stead of the chancellor, and in the absence of the president, or at his request, a chairman shall be chosen by the senate from among its members."

9. This Act shall come into force on the day it receives the Royal Assent.

10. This Act may be cited as *The McMaster University Act, 1949*.

CHAPTER 132.

An Act respecting The Mount McKay and
Kakabeka Falls Railway Company.

*Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.*

WHEREAS The Mount McKay and Kakabeka Falls Rail- Preamble.
way Company by its petition has represented that the
Company was incorporated by *An Act to incorporate The* 1904, c. 82.
Mount McKay and Kakabeka Falls Railway Company, being
chapter 82 of the Statutes of Ontario, 1904, with power to
construct and operate a railway as set out in the said Act;
that the Company has disposed of its equipment and has
ceased to operate the railway and thereby the powers granted
to the Company have ceased and become null and void; that
the Company is desirous of surrendering its charter and the
powers granted to it under the said Act and Acts in amend-
ment thereof, and of distributing its assets rateably amongst
its shareholders; and that the Company has no debts or
obligations; and whereas it is expedient to grant the prayer of
the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. The Mount McKay and Kakabeka Falls Railway Com- Distribution
pany is authorized to distribute its assets rateably among its of assets.
shareholders.

2. Upon completion of the distribution of its assets, the Dissolution
Company shall file with the Provincial Secretary a certificate of Company.
under the corporate seal that the Company has no debts or
obligations and that the Company has distributed its assets
rateably among its shareholders, and on the expiration of
one month from the date of the filing the Company shall
ipso facto be dissolved.

3. Upon the dissolution of the Company the following shall Repeal:
be repealed:

(a) *An Act to incorporate The Mount McKay and Kaka-* 1904, c. 82.
beke Falls Railway Company, being chapter 82 of
the Statutes of Ontario, 1904;

- 1908, c. 131; (b) *An Act respecting The Mount McKay and Kakabeka Falls Railway Company*, being chapter 131 of the Statutes of Ontario, 1908;
- 1911, c. 101; (c) *An Act respecting The Municipality of the Township of Paipoonge*, being chapter 101 of the Statutes of Ontario, 1911;
- 1912, c. 143; (d) *An Act respecting The Mount McKay and Kakabeka Falls Railway Company*, being chapter 143 of the Statutes of Ontario, 1912;
- 1916, c. 104; (e) *An Act respecting the Mount McKay and Kakabeka Falls Railway Company*, being chapter 104 of the Statutes of Ontario, 1916;
- 1920, c. 151; (f) *An Act respecting the Mount McKay and Kakabeka Falls Railway Company*, being chapter 151 of the Statutes of Ontario, 1920;
- 1922, c. 142; (g) *An Act respecting the Mount McKay and Kakabeka Falls Railway Company*, being chapter 142 of the Statutes of Ontario, 1922;
- 1926, c. 111; (h) *The Mount McKay and Kakabeka Falls Railway Act, 1926*;
- 1930, c. 110; (i) *The Mount McKay and Kakabeka Falls Railway Act, 1930*; and
- 1934, c. 84. (j) *The Mount McKay and Kakabeka Falls Railway Act, 1934*.

Commence-
ment of Act. **4.** This Act shall come into force on the day it receives the Royal Assent.

Short title. **5.** This Act may be cited as *The Mount McKay and Kakabeka Falls Railway Act, 1949*.

CHAPTER 133.

An Act to incorporate the Ontario Co-operative Credit Society.

*Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.*

WHEREAS the persons mentioned in section 1 by their Preamble.
petition have prayed that an Act be passed to incorporate the Ontario Co-operative Credit Society with the objects and powers hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Angus Bernard MacDonald, of the City of Ottawa in the County of Carleton, Secretary; Albert Cornelius Savage, of the City of Toronto in the County of York, Secretary; Louis Joseph Billy, of the City of Ottawa in the County of Carleton, Manager; Leonard Wilson Mitchell, of the City of Toronto in the County of York, Barrister-at-law; Cyril John Watson, of the City of Windsor in the County of Essex, Cashier; John Michael Hallinan, of the City of Toronto in the County of York, Manager; Norman McKinley Marshall, of the Village of Norwich in the County of Oxford, Manager; William Guy Nicholson, of the Village of Port Elgin in the County of Bruce, Farmer; Ralph Sharpe Staples, of the City of Toronto in the County of York, Manager; together with such other persons as become shareholders in the corporation hereby created, are hereby constituted a body corporate and politic under the name of Ontario Co-operative Credit Society, hereinafter called the Company.

2. The Company is incorporated for the following purposes and objects and shall have the following powers and authorities, namely:

- (a) to receive money on deposit from its shareholders upon such terms as to interest, security, time of payment and otherwise as may be agreed on;

- (b) to lend money to its shareholders for the purpose of any business or undertaking which the shareholder is authorized to carry on, on such terms as to interest, security, time of payment or otherwise as may be agreed upon;
- (c) to take securities covering real or personal property, including mortgages of real estate, as may be deemed expedient for the purpose of collaterally securing the repayment of any moneys loaned by or owing to the Company;
- (d) to sell, pledge or mortgage any mortgage or other security or any other real or personal property held by the Company from time to time, and to make and execute all requisite conveyances, assignments, transfers and assurances in respect thereof;
- (e) to become a member or shareholder of any corporation or association having objects altogether or in part similar to those of the Company or carrying on any business capable of being conducted so as directly or indirectly to benefit the Company;
- (f) to have, use, exercise and enjoy all the rights, powers and privileges given to any co-operative company or co-operative corporation by *The Companies Act*; and
- (g) for the purposes aforesaid, to purchase, acquire and take over as a going concern part of the business and undertaking of the Ontario Credit Union League Limited, a company incorporated under *The Credit Unions Act, 1940*, including the goodwill and any or all of the assets, property, privileges, contracts, rights, choses in action, bills of exchange and promissory notes, and to assume any or all of the obligations and liabilities of the Ontario Credit Union League Limited, and to pay for the same in fully paid shares or in bonds, debentures and other securities of the Company, and thereafter to carry on the said business on a co-operative basis.

Rev. Stat.,
c. 251.

1940, c. 7.

Head office.

3. The head office of the Company shall be at the City of Toronto in the Province of Ontario.

Capital.

4. The capital of the Company shall be the sum of \$1,000,000 divided into 100,000 shares having a par value of \$10 each.

Ownership
of shares.

5. Shares of the Company shall be sold to, owned or held only by;—

- (a) credit unions or other corporations incorporated under *The Credit Unions Act, 1940*;
- (b) co-operative corporations incorporated, organized or registered under provincial co-operative legislation or governed by such legislation;
- (c) corporations organized for charitable purposes;
- (d) corporations, no part of the income of which is payable to, or otherwise benefits personally any shareholder or member thereof; or
- (e) corporations however incorporated (whether under the laws of Ontario or not) which in the opinion of the directors are operating as co-operative corporations.

6. The affairs of the Company shall be under the control and direction of a Board of Directors composed of nine members, provided that such number may be increased or decreased by by-law pursuant to the provisions of *The Companies Act*. Board of Directors.

7. The persons named in section 1 shall be the first directors of the Company and they shall not be required to hold any shares of the Company, but unless in the meantime they qualify as directors as required by section 8 they shall cease to hold office after the first meeting of shareholders of the Company. Provisional directors.

8. Following the first meeting of the shareholders of the Company the qualifications of a director shall be that he be a member or shareholder in a corporation which owns at least one share of stock in the Company. Qualifications of directors.

9. No transfer of shares of the Company shall be valid unless and until authorized by the Board of Directors. Transfer of shares.

10.—(1) The Company may with the consent of any shareholder or shareholders redeem or purchase any or all of the shares of such shareholder or shareholders upon payment of an amount to be agreed upon by the Company and the shareholder or shareholders not exceeding the actual value of such shares. Redemption or purchase of shares on consent;

(2) The Company, whenever any shareholder is about to be wound up, dissolved or have its charter surrendered shall have the right at its option,— in special circumstances:

- (a) to redeem the shares of such shareholder at the book or par value, whichever is the lesser; or

(b)

- (b) to require the transfer of any such shares at the book or par value, whichever is the lesser, to any person eligible to hold the same.

Limitation
on.

(3) Not more than ten per centum of the issued shares of the Company may be redeemed or purchased pursuant to this section in any fiscal year and no such redemption or purchase shall be made when the Company is insolvent or so as to render the Company insolvent or so as to reduce the number of shareholders to less than fifty.

Failure to
surrender
certificates.

(4) In exercising its right to redeem or purchase shares or to require the transfer of shares to some other person eligible to hold the same, if the holder fails to deliver up and surrender the certificate or certificates evidencing the shares, the Company may cancel such shares and the certificate or certificates evidencing them and issue a new certificate or certificates to the person entitled thereto.

Powers of
shareholders
vested in
delegates.

11. At the first annual meeting of the Company and at every general meeting thereafter the powers of the shareholders shall be vested in delegates to be elected or appointed by each shareholder of the Company in such manner as may be provided for in the by-laws, and the delegates so elected or appointed shall exercise fully and completely in every way the powers or any of the powers of the shareholders of the Company; and a meeting of the delegates of the Company shall have the same effect in every way as a meeting of the shareholders of the Company.

One vote for
each dele-
gate.

12.—(1) Each shareholder of the Company shall be entitled at all meetings of the Company to one vote only for each delegate properly appointed and present in person at the meeting.

Proxy
voting.

(2) No delegate and, except as herein provided, no shareholder shall vote by proxy at any meeting of the Company.

By-laws.

13.—(1) The Company may pass by-laws,—

(a) to provide for the method of appointing or electing delegates by shareholders, the qualifications of such delegates, and determining the number of such delegates for each shareholder;

(b) to provide that the territory in which the Company carries on business be divided into districts, to change the boundaries of such districts, to provide for meetings of the delegates being held by districts, and to provide for the election of one or more directors by the delegates from each district;

- (c) to provide that every delegate shall be entitled to one vote only, irrespective of the number of shareholders he represents;
- (d) to provide for the appointment or election by each shareholder of alternate delegates to attend and vote at meetings of shareholders in the absence of the delegates;
- (e) to provide for payment of the expenses of delegates and alternate delegates attending general or district meetings of the Company;
- (f) to provide that employees of the Company or persons engaged in any business which is in conflict with the business of the Company or persons residing outside Ontario shall be ineligible to hold office as directors, and to prescribe the maximum continuous period of time during which a person may serve as director and the period after which he shall again be eligible;
- (g) to provide for the use of the single transferable vote in elections of directors of the Company, the method of making nominations and holding elections, the procedure in counting ballots, and any other matter or thing relating to the conduct of elections;
- (h) to provide for the removal of directors at meetings of shareholders;
- (i) to provide for the payment of interest on deposits.

(2) Every by-law and every amendment thereof shall bind the Company and the shareholders thereof to the same extent as if each shareholder had subscribed its name and affixed its corporate seal thereto and as if there was in the by-law or amendment a covenant on the part of each shareholder, its successor and assigns, to conform thereto subject to the provisions of this Act.

By-laws a contract with shareholders.

14. The net surplus arising from the business of the Company in each fiscal year shall be distributed as follows,—

Distribution of surplus.

- (a) an amount equal to at least twenty per centum of the net earnings shall be set aside as a reserve fund until the reserve fund is equal to at least fifty per centum of the paid up capital of the Company, which fund shall be held as a reserve against uncollectible loans or losses and shall not be used for any other purpose except on a dissolution, winding-up or

liquidation; provided that the directors may establish such other reserve funds as they may deem necessary or advisable;

- (b) a dividend may be paid on the paid up capital of the Company at such rate as the by-laws may provide but not exceeding eight per centum per annum;
- (c) the remainder of the net surplus shall be allocated, credited or paid to the shareholders of the Company in proportion to the business done by each such shareholder with or through the Company computed at a rate in relation to the quantity, quality or value of the services rendered by the Company on behalf of or to such shareholder, whether as principal or agent or otherwise, with appropriate differences in the rate for different classes of services.

Loans to shareholders only.

15. The Company shall make loans only to its shareholders.

Security to be given by officers.

16. Every person appointed to any office touching the receipt, management or expenditure of money for the purpose of the Company shall, before entering upon the duties of his office and while holding such office, give such security as is deemed sufficient by the directors for the faithful performance of his duties, which security may be varied in amount or renewed from time to time.

Prohibition.
Rev. Stat.
c. 257.

17. The Company shall not carry on directly or indirectly any business within the meaning of *The Loan and Trust Corporations Act*.

Company deemed a co-operative company.

18.—(1) The Company shall be deemed to be a co-operative company operated on a co-operative basis as defined by Part XII of *The Companies Act*.

Application of Part XII of Rev. Stat., c. 251.

(2) Except where inconsistent with this Act, Part XII of *The Companies Act*, except section 156, shall apply to the Company.

Application of Rev. Stat., c. 251.

(3) Except where inconsistent with this Act or Part XII of *The Companies Act*, the general provisions of *The Companies Act* shall apply to the Company.

Commencement of Act.

19. This Act shall come into force on the day it receives the Royal Assent.

Short title.

20. This Act may be cited as *The Ontario Co-operative Credit Society Act, 1949*.

CHAPTER 134.

An Act respecting the City of Ottawa.

*Assented to April 1st, 1949.**Session Prorogued April 8th, 1949.*

WHEREAS the Corporation of the City of Ottawa by Preamble. its petition has prayed for special legislation in respect of the several matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The City of Ottawa Act, 1941*, as amended ^{1941,} by section 1 of *The City of Ottawa Act, 1946* and section 18 ^{c. 72, s. 1,} of *The City of Ottawa Act, 1948*, is further amended by striking out the figures "1950" where they occur in the amendment of 1948 and inserting in lieu thereof the figures "1955", so that the section shall read as follows:

1. Notwithstanding the provisions of by-law number 7036 passed by the council of the Corporation of the City of Ottawa on the 5th day of January, 1931, and notwithstanding the order of the Ontario Municipal Board dated the 8th day of July, 1937, the time for entry by the Corporation of the City of Ottawa on the lands expropriated under the said by-law number 7036 shall be deferred until the 1st day of January, 1955. ^{Time for entry under by-law 7036 extended.}

2. Section 4 of *The City of Ottawa Act, 1947* is amended ^{1947,} by adding thereto the following paragraph: ^{c. 135, s. 4,} ^{amended.}

5. For imposing penalties not exceeding (exclusive of costs) \$50 for the first offence, \$100 for the second offence and \$200 for the third and each subsequent offence, upon every person who contravenes any by-law passed under this section, any decision or order of an officer referred to in paragraph 3, any decision or resolution of the board established pursuant to paragraph 4, or any decision of the Ontario Municipal Board on appeal from the said board, which penalties shall be recoverable under *The Rev. Stat., Summary Convictions Act.* ^{c. 136.}

Annexation
order
confirmed.

3.—(1) Order P.F. B-8464 of the Ontario Municipal Board dated the 6th day of December, 1948, as amended by Order P.F. B-8464 dated the 28th day of February, 1949, set out as Schedules A and B hereto, respectively, is hereby confirmed.

Effective
date.

(2) The said Order shall come into force on the 1st day of January, 1950.

By-laws
to remain
in force.

(3) Notwithstanding section 33 of *The Municipal Act*, all by-laws of the Corporation of the Township of Nepean relating to the use of land or the erection or the use of buildings on land and all by-laws of the said Corporation passed under section 23 of *The Planning Act, 1946*, which are in effect on the 31st day of December, 1949, shall, so far as they affect the lands annexed to the City of Ottawa by the said Order, remain in force until repealed by the council of the Corporation of the City of Ottawa.

Rev. Stat.,
c. 266.

1946, c. 71.

Registry
divisions.

(4) The lands annexed to the City of Ottawa by the said Order shall be detached from the Registry Division of the County of Carleton and shall form part of the Registry Division of the City of Ottawa for the purposes of *The Registry Act*.

Rev. Stat.,
c. 170.

Purchase of
Nepean Bus
Lines
Limited.

(5) In the absence of agreement being reached between Nepean Bus Lines Limited and the Ottawa Transportation Commission before the 1st day of October, 1949, respecting the purchase price payable for the assets and undertaking of Nepean Bus Lines Limited, the Ontario Municipal Board shall determine such price upon the application thereto of either party.

Commence-
ment of Act.

4. This Act shall come into force on the day it receives the Royal Assent.

Short title.

5. This Act may be cited as *The City of Ottawa Act, 1949*.

SCHEDULE A

P.F. B-8464

Monday, the Sixth day of December, A.D. 1948.

BEFORE:

R. S. COLTER, ESQ., K.C.,
Chairman, andW. J. MOORE, ESQ., O.L.S.,
Member.IN THE MATTER OF Section 23 of
The Municipal Act (R.S.O. 1937,
Chapter 266) (as re-enacted by
O.S. 1939, Chapter 30, Section 2,
and re-enacted by O.S. 1947, Chap-
ter 69, Section 2 (1)), andIN THE MATTER OF an application by
The Corporation of the City of
Ottawa for the annexation thereto
of certain lands in the Township of
Nepean.

UPON THE APPLICATION of the Corporation of the City of Ottawa in the presence of Counsel for the Applicant, Counsel for the Corporation of the Township of Nepean, Counsel for the Corporation of the County of Carleton and of a number of interested property owners and residents of the Township of Nepean who appeared in person, and upon reading By-law Number 10000 of The Corporation of the City of Ottawa filed with the Board authorizing this application, and upon hearing the evidence adduced at a public hearing held in the City of Ottawa on Monday, Tuesday and Wednesday, the 1st, 2nd and 3rd days of November, 1948, pursuant to notice given in accordance with the direction of the Board, and upon hearing what was alleged by Counsel aforesaid and by the aforesaid property owners and residents,

THE BOARD ORDERS, under and in pursuance of Section 23 of *The Municipal Act* (R.S.O. 1937, Chapter 266) (as re-enacted by O.S. 1939, Chapter 30, Section 2, and amended and re-enacted by O.S. 1947, Chapter 69, Section 2 (1)), that that part of the Township of Nepean described in Schedule A hereto be and the same is hereby annexed to the City of Ottawa.

THE BOARD FURTHER ORDERS that, unless an objection is filed with the Board pursuant to Subsection 14 of Section 23 of *The Municipal Act* and is not withdrawn, this Order shall be deemed to have come into effect on the 1st day of January, 1949.

(Signed) R. S. COLTER,
Chairman.

(Seal)

Schedule A

COMMENCING at a point where the division line between Lots 17 and 18, Concession 1 (Ottawa Front) intersects the southerly shore line of the Ottawa River; thence southerly and along the said division line and the same produced to its intersection with the southerly limit of the road allowance between Concessions 1 and 2 (Ottawa Front); thence easterly and along the southerly limit of the said road allowance between Concessions 1 and 2 (Ottawa Front) to its intersection with the division line between Lots 18 and 19, Concession 2 (Ottawa Front); thence southerly and along the division line between said Lots 18 and 19, Concession 2 (Ottawa Front) and the same produced in a straight line to the southerly limit of the right-of-way of the Canadian National Railway; thence easterly and along the said southerly limit of the said right-of-way of the Canadian National Railway to its intersection with the westerly limit of the road allowance between Concessions 1 and 2 (Rideau Front); thence southerly and along the said westerly limit of the road allowance between Concessions 1 and 2 (Rideau Front) to a point where the division line

between Lots 23 and 24, Concession 1 (Rideau Front) produced westerly would intersect the said westerly limit of the hereinbefore mentioned road allowance; thence easterly in a straight line and along the said division line between Lots 23 and 24, Concession 1 (Rideau Front), to its intersection with the easterly limit of the right-of-way of the Canadian National Railway; thence northerly and along the said easterly limit of the right-of-way of the Canadian National Railway to its intersection with the easterly limit of the road allowance between Concessions 1 and A (Rideau Front); thence northerly and along the said easterly limit of the last mentioned road allowance to the southerly limit of the road allowance between Lots 25 and 26, Concession A (Rideau Front); thence easterly and along the said southerly limit of the road allowance between Lots 25 and 26, Concession A (Rideau Front) to its intersection with the centre of the channel of the Rideau River; thence downstream in a northerly and easterly direction following the centre of the channel of the said Rideau River to the westerly limit of Bronson Avenue produced; thence northerly along the production of and the westerly limit of Bronson Avenue to the centre of the channel of the Rideau Canal; thence southwesterly and following the centre of the channel of the Rideau Canal to the westerly limit of the right-of-way of the Canadian Pacific Railway; thence northwesterly and following the said westerly limit of the right-of-way of the Canadian Pacific Railway to the southerly limit of Carling Avenue; thence westerly along the southerly limit of Carling Avenue to the easterly limit of Fisher Avenue; thence southerly and along the easterly limit of Fisher Avenue to a point opposite the production easterly in a straight line of the division line between the north and south halves of Lot K, Concession A (Rideau Front); thence westerly and along the last mentioned division line to a point distant 379.9' easterly from the easterly limit of the Merivale Road; thence northerly and parallel with the easterly limit of the Merivale Road a distance of 412.5'; thence southwesterly in a straight line to a point on the easterly limit of the Merivale Road distant 294.22' southerly from the southerly limit of Anna Street; thence northerly along the easterly limit of the Merivale Road to the southerly limit of Carling Avenue; thence westerly along the southerly limit of Carling Avenue to the production southerly of the division line between Lots 33 and 34, Concession 1 (Ottawa Front); thence northerly and along said division line between Lots 33 and 34 and the same continued northerly along the centre line of Western Avenue to the northerly limit of Scott Street; thence easterly along the northerly limit of Scott Street to the westerly limit of Parkdale Avenue; thence northerly along the westerly limit of Parkdale Avenue and its production northerly to the boundary line between the Province of Ontario and the Province of Quebec (being the centre of the channel of the Ottawa River); thence in a westerly direction following the said Interprovincial Boundary line to a point opposite the production northerly in a straight line of the division line between Lots 17 and 18, Concession 1 (Ottawa Front); thence southerly and along said last mentioned division line to the point of commencement.

SCHEDULE B

P.F. B-8464

Monday, the Twenty-eighth day of February, A.D. 1949.

BEFORE:

R. S. COLTER, ESQ., K.C.,
Chairman, andW. J. MOORE, ESQ., O.L.S.,
Member.

IN THE MATTER OF Section 23 of
The Municipal Act (R.S.O. 1937,
Chapter 266) (as re-enacted by
O.S. 1939, Chapter 30, Section 2,
and amended and re-enacted by
O.S. 1947, Chapter 69, Section 2
(1)), and

IN THE MATTER OF an application by
the Corporation of the City of
Ottawa for the annexation thereto
of certain lands in the Township
of Nepean.

UPON THE APPLICATION OF The Corporation of the City of Ottawa,
the Corporation of the Township of Nepean consenting thereto;

THE BOARD ORDERS pursuant to Section 49 of *The Ontario Municipal Board Act* (R.S.O. 1937, Chapter 60) that Order P.F. B-8464, dated the 6th day of December, 1948, be and the same is hereby varied,—

- (a) by striking out the schedule thereto and inserting in lieu thereof Schedule "A" to this Order;
- (b) by striking out the third paragraph of the said Order and inserting in lieu thereof the following paragraph:

"THE BOARD RECOMMENDS that this Order should come into force on the 1st day of January, 1950";

- (c) by adding thereto the following:

"THE BOARD FURTHER ORDERS—

1. That the lands annexed to the City of Ottawa by this Order, hereinafter referred to as "the annexed lands" shall be added to the assessment rolls of the City of Ottawa for the year 1949 and, subject to the exemptions provided by any Act, shall be liable to taxation by The Corporation of the City of Ottawa in the year 1950 and thereafter at the same rates as other lands in the City of Ottawa.

2. The assessment of the annexed lands made by The Corporation of the Township of Nepean in the year 1949, including business assessment, as finally revised and confirmed, together with all additions to the assessment rolls under the provisions of Section 57a of *The Assessment Act* shall, subject to the provisions of paragraphs 4 and 5 below, be the assessment upon which The Corporation of the City of Ottawa shall levy taxation in respect of the said lands in the year 1950.

3.—(1) All proceedings under *The Assessment Act* in respect of the said assessments made by The Corporation of the Township of Nepean in 1949 which have not been completed by the Court of Revision of the Township of Nepean on the 31st day of December, 1949, shall be continued and completed by such court as if the annexed lands had not been annexed to the City of Ottawa.

(2) Prior to the 1st day of January, 1950, all such proceedings shall be conducted on behalf of the municipality by The Corporation of the Township of Nepean and on and after such date all such proceedings shall be conducted on behalf of the municipality by The Corporation of the City of Ottawa, and after such date and until such proceedings are completed the said

Court of Revision shall be deemed to be employed by The Corporation of the City of Ottawa and shall be paid by the said Corporation

4. All lands, including existing buildings and replacements thereof, in each township lot in that part of the area annexed which is bounded on the east by the westerly limit of the water area defined by By-law Number 1096 of The Corporation of the Township of Nepean, as amended by By-law Number 1107, on the south by Carling Avenue, on the west by the westerly limit of the annexed lands and on the north by the northerly limit of the annexed lands shall in 1949 and thereafter be assessed at the amount shown in the 1948 assessment rolls of the Township of Nepean until the main trunk sewer to be constructed by The Corporation of the City of Ottawa through the annexed lands reaches the division line between the easterly and westerly halves of each such township lot, after which time (when the regular annual assessment is made) all lands within the lot shall be assessed in accordance with the provisions of *The Assessment Act*, PROVIDED THAT in the case of lands lying to the west of the westerly terminus of the said trunk sewer as determined by The Corporation of the City of Ottawa this paragraph shall cease to apply to such lands when such sewer reaches such terminus and such lands shall then be assessed in accordance with the provisions of *The Assessment Act*, PROVIDED ALSO that this paragraph shall not apply to alterations, additions, improvements and new structures which shall be assessed in accordance with the provisions of *The Assessment Act*.

5. Each parcel of land separately assessed within that part of the annexed lands bounded on the east by Clyde Avenue, on the south by the southerly limit of the annexed lands, on the west by the westerly limit of the annexed lands, and on the north by the right-of-way of the Canadian National Railway, across Lots 19 to 25 inclusive, Concession 2 (Ottawa Front), and the northerly boundary of present Township School Section Number 12, across Lots 26 to 30 inclusive, Concession 2 (Ottawa Front), which is unsubdivided and wholly used for agricultural purposes, shall in 1949 and thereafter be assessed at the amount shown in the 1948 assessment rolls of The Corporation of the Township of Nepean, except as to alterations, additions, improvements and new structures, which shall be assessed in accordance with the provisions of *The Assessment Act* in the same manner in which they would have been assessed had the annexed lands remained within the Township of Nepean, PROVIDED THAT upon any such parcel of land ceasing to be wholly used for agricultural purposes, or being subdivided in whole or in part, such parcel of land shall forthwith become liable to assessment in accordance with the provisions of *The Assessment Act*.

6.—(1) All taxes imposed by The Corporation of the Township of Nepean upon the annexed lands up to the 31st day of December, 1949, and all arrears of taxes then owing on the said lands shall remain the property of The Corporation of the Township of Nepean.

(2) The Corporation of the Township of Nepean shall furnish the Corporation of the City of Ottawa with a special collector's roll showing all arrears of taxes owing in respect of the annexed lands up to the 31st day of December, 1949, and the persons assessed therefor, and The Corporation of the City of Ottawa shall have the right to collect and shall collect such arrears of taxes in the same manner and with all the rights and powers, including the right to sell lands for arrears of taxes, provided by *The Assessment Act* or any other Act, as fully and effectually as if the said taxes had been levied by The Corporation of the City of Ottawa.

(3) The Corporation of the City of Ottawa shall pay the proceeds of the collection of such arrears of taxes to The Corpora-

tion of the Township of Nepean after deducting therefrom the proper costs and expenses of collecting the same, and The Corporation of the City of Ottawa shall not be responsible to The Corporation of the Township of Nepean for any of such arrears of taxes which it may be unable to collect.

(4) The Corporation of the Township of Nepean shall indemnify and save harmless The Corporation of the City of Ottawa from all loss, damages, costs and expenses arising from any act or omission of The Corporation of the Township of Nepean or its officers or servants in connection with the said special collector's roll.

7. The election to be held in the year 1949 by The Corporation of the Township of Nepean for the Council of the said Corporation for 1950 and all proceedings in connection therewith, shall be held as if the annexed lands did not form part of the Township of Nepean.

8.—(1) The Corporation of the Township of Nepean shall in 1949 prepare a special voters' list under *The Voters' Lists Act* in respect of the area annexed and The Corporation of the City of Ottawa may use such list for the purpose of the election herein-after referred to in the same manner and to the same extent as if the said list had been prepared by The Corporation of the City of Ottawa.

(2) The Corporation of the City of Ottawa shall provide for the holding of an election at which aldermen representing the wards referred to in subparagraph (2) of paragraph 9 shall be elected for the year 1950 and such election may be held before or after the 1st day of January, 1950, and all necessary proceedings in connection therewith may be taken by The Corporation of the City of Ottawa prior to the 1st day of January, 1950, in the same manner and to the same extent as if the annexed lands then formed part of the City of Ottawa, or may be taken after such date.

9.—(1) That part of the annexed lands which lies to the east of the Rideau Canal shall form part of Riverdale Ward in the City of Ottawa.

(2) The remainder of the annexed lands shall be divided into two wards by the following line and each such ward shall be represented in the Council of The Corporation of the City of Ottawa by two aldermen:

COMMENCING at a point where the southerly limit of Pacific Street intersects the southeasterly shore of the Ottawa River, the same being the northwesterly boundary of the Village of Westboro; thence easterly along the said southerly limit of Pacific Street to its intersection with the production northerly of the westerly limit of Dominion Avenue; thence southerly along the said northerly production and the westerly limit of Dominion Avenue and the same produced southerly in a straight line to the northerly limit of the Richmond Road; thence westerly along the northerly limit of the Richmond Road to its intersection with the production northerly of the westerly limit of Golden Avenue; thence southerly along said northerly production and the westerly limit of Golden Avenue and its production southerly in a straight line to the southerly limit of Carling Avenue; thence easterly along the said southerly limit of Carling Avenue to its intersection with the westerly limit of Clyde Avenue; thence southerly along the said westerly limit of Clyde Avenue to a point distant 120 feet southerly measured at right angles from the southerly limit of the Base Line Road, the same being the southerly limit of the annexed lands."

(Seal)

R. S. COLTER,
Chairman.

Schedule A

ALL AND SINGULAR that certain part of the Township of Nepean in the County of Carleton and Province of Ontario which may be more particularly described as follows: Commencing at a point where the division line between Lots 17 and 18, Concession 1 (Ottawa Front) intersects the southerly shore line of the Ottawa River; thence southerly and along the said division line and the same produced to its intersection with the southerly limit of the road allowance between Concessions 1 and 2 (Ottawa Front); thence easterly and along the southerly limit of the said road allowance between Concessions 1 and 2 (Ottawa Front) to its intersection with the division line between Lots 18 and 19, Concession 2 (Ottawa Front); thence southerly and along the division line between said Lots 18 and 19, Concession 2 (Ottawa Front) and the same produced in a straight line across the road allowance between Concession 2 (Ottawa Front) and Concession 3 (Rideau Front) to a point distant 120 feet southerly measured at right angles from the southerly limit of the said last mentioned road allowance; thence easterly along a line drawn parallel to and distant 120 feet southerly measured at right angles from the southerly limit of the said road allowance between Concession 2 (Ottawa Front) and Concessions 3, 2, 1 and A (Rideau Front), the said road allowance being more commonly known as the Base Line Road, to a point distant 120 feet westerly measured at right angles from the westerly limit of the road allowance between Concessions A and B (Rideau Front), the said last mentioned road allowance being more commonly known as Fisher Avenue; thence southerly along a line drawn parallel to and distant 120 feet westerly measured at right angles from the westerly limit of the said last mentioned road allowance to a point distant 120 feet southerly measured at right angles from the southerly limit of the road allowance between Lots 30 and 31, Concession A (Rideau Front); thence easterly along a line drawn parallel to and distant 120 feet southerly measured at right angles from the southerly limit of the said last mentioned road allowance and continuing easterly along a line drawn parallel to and distant 120 feet southerly measured at right angles from the southerly limit of the road allowance between Lots 30 and 31, Concession B (Rideau Front) and its production easterly in a straight line to the centre line of the channel of the Rideau River; thence downstream in a northerly and easterly direction following the centre of the channel of the said Rideau River to the westerly limit of Bronson Avenue produced; thence northerly along the production of and the westerly limit of Bronson Avenue to the centre of the channel of the Rideau Canal; thence southwesterly and following the centre of the channel of the Rideau Canal to the westerly limit of the right-of-way of the Canadian Pacific Railway; thence northwesterly and following the said westerly limit of the right-of-way of the Canadian Pacific Railway to the southerly limit of Carling Avenue; thence westerly along the southerly limit of Carling Avenue to the easterly limit of Fisher Avenue; thence southerly and along the easterly limit of Fisher Avenue to a point opposite the production easterly in a straight line of the division line between the north and south halves of Lot K, Concession A (Rideau Front); thence westerly and along the last mentioned division line to a point distant 379.9 feet easterly from the easterly limit of the Merivale Road; thence northerly and parallel with the easterly limit of the Merivale Road a distance of 412.5 feet; thence southwesterly in a straight line to a point on the easterly limit of the Merivale Road distant 294.22 feet southerly from the southerly limit of Anna Street; thence northerly along the easterly limit of the Merivale Road to the southerly limit of Carling Avenue; thence westerly along the southerly limit of Carling Avenue to the production southerly of the division line between Lots 33 and 34, Concession 1 (Ottawa Front); thence northerly and along said division line between Lots 33 and 34 and the same continued northerly along the centre line of Western Avenue to the northerly limit of Scott Street; thence easterly along the northerly limit of Scott Street to the westerly limit of Parkdale Avenue; thence northerly along the westerly limit of Parkdale Avenue and its production northerly to the boundary line between the Province of Ontario and the Province of Quebec (being the centre of the channel of the Ottawa River); thence in a westerly direction following the said Interprovincial Boundary line to a point opposite the production northerly in a straight line of the division line between Lots 17 and 18, Concession 1 (Ottawa Front); thence southerly and along said last mentioned division line to the point of commencement.

CHAPTER 135.

An Act respecting the City of Owen Sound.

*Assented to April 1st, 1949.**Session Prorogued April 8th, 1949.*

WHEREAS the Corporation of the City of Owen Sound Preamble.
 by its petition has prayed for special legislation to amend *The City of Owen Sound Act, 1938*, so that the city engineer will cease to be a member of the Civic Auditorium Commission and an additional ratepayer will be eligible for appointment to the Commission, and so that ratepayers residing within five miles of the City will be eligible for appointment to the Commission; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 3 of *The City of Owen Sound Act, 1938* is repealed and the following substituted therefor: 1938, c. 62, s. 3, subs. 1, re-enacted.

(1) The Civic Auditorium shall be under the management and control of a Commission consisting of,— Under control of Commission.

(a) the mayor; and

(b) five ratepayers resident within the City or within five miles thereof, to be appointed by the council of the corporation.

2. This Act may be cited as *The City of Owen Sound Act, 1949*. Short title.

CHAPTER 136.

An Act respecting the City of Peterborough.

*Assented to April 1st, 1949.**Session Prorogued April 8th, 1949.*

WHEREAS the Corporation of the City of Peterborough, Preamble.
hereinafter called the Corporation, by its petition has
prayed for special legislation in respect of the matters herein-
after set forth; and whereas it is expedient to grant the prayer
of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Section 1 of *The Peterborough Civic Hospital Act, 1945* ^{1945,}
is amended by adding thereto the following subsection: ^{c. 34, s. 1,}
^{amended.}

(2) The Council of the City of Peterborough may provide
funds for the purposes aforesaid and for such other ^{Issue of}
purposes as may be required for the completion and en- ^{debentures}
largement of the hospital by the issue of debentures ^{authorized.}
of the City of Peterborough, subject to the approval
of the Ontario Municipal Board and with the assent
of the electors.

2. Subsection 3 of section 7 of *The Peterborough Civic Hos-* ^{1945,}
pital Act, 1945 is amended by striking out all the words after ^{c. 34, s. 7,}
the word "purposes" in the fifth line and inserting in lieu ^{subs. 3,}
thereof the words "provided that the moneys required for ^{amended.}
such purposes have been duly authorized by the Council
pursuant to section 13 or 18," so that the subsection shall
read as follows:

(3) The Board of Governors may from time to time pur- ^{Idem.}
chase supplies and may engage and pay officers, ser-
vants and workmen, for the purposes of the hospital,
and may make all such expenditures and enter in
all such contracts and agreements as may be neces-
sary or convenient for such purposes, provided that
the moneys required for such purposes have been
duly authorized by the Council pursuant to section
13 or 18.

1945,
c. 34, s. 8,
amended.

3. Section 8 of *The Peterborough Civic Hospital Act, 1945* is amended by adding at the commencement thereof the words "Notwithstanding anything contained in sections 9 and 11", so that the section shall read as follows:

Property
of Board
vested in
City.

8. Notwithstanding anything contained in sections 9 and 11, all real and personal property now or hereafter acquired by the Board of Governors shall be and it is hereby vested in the Corporation of the City of Peterborough.

1945,
c. 34, s. 10,
amended.

4. Section 10 of *The Peterborough Civic Hospital Act, 1945* is amended by adding thereto the following subsection:

Board
released
from trusts.

1886, c. 87.

1931, c. 139.

(2) The Board of Governors shall be free from and not bound by the trusts created by and contained in *An Act to Incorporate The Nicholls' Hospital Trust*, being chapter 87 of the Statutes of Ontario, 1886, and *An Act respecting The Nicholls' Hospital Trust*, being chapter 139 of the Statutes of Ontario, 1931.

1945,
c. 34, s. 13,
subss. 2, 3,
re-enacted.

5. Subsections 2 and 3 of section 13 of *The Peterborough Civic Hospital Act, 1945* are repealed and the following substituted therefor:

Special
rate.

(2) The council of the City shall, in each year, assess and levy by a special rate on the whole rateable property within the municipality a sum sufficient to provide such amount if any, by which the total of such of the estimated expenditures as are approved by the council exceeds the estimated revenues.

Rev. Stat.,
c. 266, s. 315,
not to apply
to special
rate.

(3) The special rate levied by the council of the City in any year under the authority of subsection 2 shall not be taken into account for any of the purposes of section 315 of *The Municipal Act*.

1945,
c. 34, s. 18,
re-enacted.

6. Section 18 of *The Peterborough Civic Hospital Act, 1945* is repealed and the following substituted therefor:

Power to
borrow.

18. The Board of Governors may from time to time borrow for temporary purposes or for the purposes of the general maintenance of the hospital such sums on such terms as Council may approve by resolution.

Authority
to pass
proposed
by-law.

7.—(1) Subject to the approval of the Ontario Municipal Board, the council of the Corporation may pass the proposed by-law number 4737, set out as Schedule A hereto, authorizing the issue of debentures of \$1,500,000.

(2) The said proposed by-law number 4737 when duly passed and approved by the Ontario Municipal Board shall be legal, valid and binding upon the Corporation and the ratepayers thereof. By-law confirmed when passed.

8. The Corporation may pay to T. A. Wilson Lumber Company Limited the sum of \$5,583.42, the balance owed by the Peterborough Civic Arena Committee to the said Company for the construction of a covered skating and hockey arena. Authority to pay balance for arena.

9. Notwithstanding any general or special Act, the Commissioners of The Peterborough City Trust may pay out of its consolidated surplus account, or other separate funds, constituted by revenue derived from the investment of sinking funds together with other accretions which is in excess of and not required to meet the aggregate requirements of all by-laws of the Corporation applicable thereto, a sum not exceeding \$125,000 for the purpose of purchasing lands within the City of Peterborough bounded by George, Murray, Water and McDonnel Streets or any part of the same as the site for the erection of the new city hall for the city, provided that the council of the Corporation undertakes and agrees to pay over to The Peterborough City Trust all moneys derived by the Corporation up to the 31st day of December, 1951, from the sale of any lands owned by the Corporation which may not be deemed during that period necessary to be retained in the interests of the city unless in the meantime the sum of \$125,000 has been paid to The Peterborough City Trust. Purchase of land for city hall.

10. This Act shall come into force on the day it receives the Royal Assent. Commencement of Act.

11. This Act may be cited as *The City of Peterborough Act*, 1949. Short title.

SCHEDULE A

BY-LAW NUMBER 4737

A By-law authorizing the borrowing of \$1,500,000.00 upon debentures for the Peterborough Civic Hospital.

WHEREAS the Council of the City of Peterborough did pass By-law Number 4403 to provide the sum of \$600,000.00 for the purpose of constructing the Peterborough Civic Hospital;

AND WHEREAS the sum of \$600,000.00 and other moneys granted by the County of Peterborough, the Peterborough Utilities Commission and the Peterborough City Trust was insufficient for the said purpose and it is necessary to raise a further sum of \$1,500,000.00 to complete the erection, establishment and equipment of the said Peterborough Civic Hospital;

AND WHEREAS it is expedient to borrow for the erection, establishment and equipment of the Peterborough Civic Hospital and ancillary buildings, a sum not exceeding \$1,500,000.00 upon the credit of the Corporation, to issue debentures therefor bearing interest at the rate of three and one-quarter ($3\frac{1}{4}\%$) per centum per annum payable semi-annually and to provide for the discount and the expenses incidental to negotiation and sale of such debentures;

AND WHEREAS it is expedient to make the principal of the said debt repayable in annual instalments during the period of twenty years next after the date of issue of such debentures, of such amounts respectively that, with the interest in respect of the debt, the aggregate amount payable for principal and interest in each year shall be, as nearly as possible the same; subject to the statutory proviso that each instalment of principal may be for an even \$100.00, \$500.00 or \$1,000.00 or multiple thereof, and, that notwithstanding anything herein contained, the annual instalments of principal and interest may differ in amount sufficiently to admit thereof;

AND WHEREAS the amount of the whole rateable property in the City of Peterborough according to the last revised assessment roll thereof is \$33,110,224.00;

AND WHEREAS the amount of the existing debenture debt of the Corporation, exclusive of local improvement debts secured by special rates or assessments is \$3,260,053.53 and no part of the principal or interest of such debt is in arrear;

AND WHEREAS by Order dated the day of , 19 , the Ontario Municipal Board has approved the purpose of the said borrowing and the passing of all requisite by-laws, including debenture by-laws;

The Corporation of the City of Peterborough by the Council thereof enacts as follows:

1. For the purpose aforesaid the Corporation shall borrow upon the credit of the Corporation a sum not exceeding \$1,500,000.00 and shall issue debentures therefor in sums of not less than \$50.00 each. Each debenture shall bear interest at the rate of three and one-quarter ($3\frac{1}{4}\%$) per centum per annum payable semi-annually and shall have coupons attached thereto for the payment of such interest.

2. All the debentures shall bear the same date, shall be issued at one time and within two years after the day on which this by-law is passed, may bear any date within such two years and shall be made payable in annual instalments during the period of twenty years next after the date of issue thereof, and the respective amounts of principal and interest payable in each of such years shall be the amounts so designated in Schedule "A" hereto annexed.

3. The debentures shall be payable as to both principal and interest in lawful money of Canada at the office of the Secretary of the Peterborough City Trust in the City of Peterborough.

4. The said debentures shall be sealed with the seal of the Corporation and signed by the Mayor and Treasurer thereof and countersigned by the Secretary of The Peterborough City Trust. The said interest coupons shall be signed by the Treasurer and his signature thereon may be written, stamped, lithographed or engraved.

5. Commencing in the year 1949, and thereafter in each year in which an instalment of principal of the said debt and interest become due, the Corporation shall levy and raise the specific sum shown for the respective year in the fifth column of the said Schedule. Such sum shall be levied and raised by a special rate sufficient therefor, over and above all other rates, upon all the rateable property in the Municipality.

6. The said debentures may contain a clause providing for the registration thereof pursuant to section 336 of *The Municipal Act*.

7. Pending the sale of the said debentures, the head of the Council and the Treasurer may raise for the purposes aforesaid by way of loan on such debentures any sum or sums of money not exceeding in all the sum hereby authorized to be borrowed and may hypothecate such debentures for such loan.

8. The Corporation shall have the right, at its option, to redeem the debentures of this issue which mature in the twentieth year from the date of issue on any date prior to maturity at the places where and in the moneys in which the said debentures are expressed to be payable, upon payment of the principal amount thereof together with interest accrued to the date of redemption and upon giving previous notice of said intention to redeem by advertising once in "The Ontario Gazette" and once in a daily newspaper of general provincial circulation, published in the City of Toronto, and once in a local newspaper, such notice to be advertised as aforesaid at least thirty days before the date fixed for redemption. Notice of intention so to redeem shall also be sent by post at least thirty days prior to the date set for redemption to each person in whose name a debenture so to be redeemed is registered at the address shown in the Debenture Registry Book. Where only a portion of the debentures of this issue is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debenture of this issue shall be called for such redemption in priority to any such debenture that has a later maturity date.

Read a first and second time this 4th day of November, 1948.

(Sgd.) W. G. OVENS,
Mayor.

(Sgd.) E. A. OUTRAM,
Clerk.

Read a third time and finally passed this day of , 19 .

(Sgd.) W. G. OVENS,
Mayor.

(Sgd.) E. A. OUTRAM,
Clerk.

Schedule A

20 year 3½%.

Year	Balance of Debt	Principal	Interest	Total Principal and Interest
			24,375.00	
1	1,500,000.00	55,000.00	24,375.00	103,750.00
			23,481.25	
2	1,445,000.00	57,000.00	23,481.25	103,962.50
			22,555.00	
3	1,388,000.00	58,000.00	22,555.00	103,110.00
			21,612.50	
4	1,330,000.00	60,000.00	21,612.50	103,225.00
			20,637.50	
5	1,270,000.00	62,000.00	20,637.50	103,275.00
			19,630.00	
6	1,208,000.00	64,000.00	19,630.00	103,260.00
			18,590.00	
7	1,144,000.00	66,000.00	18,590.00	103,180.00
			17,517.50	
8	1,078,000.00	68,000.00	17,517.50	103,035.00
			16,412.50	
9	1,010,000.00	71,000.00	16,412.50	103,825.00
			15,258.75	
10	939,000.00	73,000.00	15,258.75	103,517.50
			14,072.50	
11	866,000.00	75,000.00	14,072.50	103,145.00
			12,853.75	
12	791,000.00	78,000.00	12,853.75	103,707.50
			11,586.25	
13	713,000.00	80,000.00	11,586.25	103,172.50
			10,286.25	
14	633,000.00	82,000.00	10,286.25	102,572.50
			8,953.75	
15	551,000.00	85,000.00	8,953.75	102,907.50
			7,572.50	
16	466,000.00	88,000.00	7,572.50	103,145.00
			6,142.50	
17	378,000.00	90,000.00	6,142.50	102,285.00
			4,680.00	
18	288,000.00	93,000.00	4,680.00	102,360.00
			3,168.75	
19	195,000.00	96,000.00	3,168.75	102,337.50
			1,608.75	
20	99,000.00	99,000.00	1,608.75	102,217.50
Totals.....		<u>\$1,500,000.00</u>	<u>\$561,990.00</u>	<u>\$2,061,990.00</u>

CHAPTER 137.

An Act respecting the City of St. Catharines.

*Assented to April 1st, 1949.**Session Prorogued April 8th, 1949.*

WHEREAS the Corporation of the City of St. Catharines Preamble.
by its petition has prayed for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. By-law number 5349 to guarantee debentures of The Guarantee of General Hospital debentures confirmed.
St. Catharines General Hospital, set forth as Schedule A hereto, is hereby validated and confirmed and declared to be legal and binding upon the ratepayers of the Corporation.

2. By-law number 5350 to authorize a grant to The Grant to Hotel Dieu confirmed.
Religious Hospitallers of St. Joseph of Hotel Dieu, set forth as Schedule B hereto, is hereby validated and confirmed and declared to be legal and binding upon the ratepayers of the Corporation.

3. By-law number 5331 to establish a parking meter fund, Parking meter fund.
set forth as Schedule C hereto, is hereby validated and confirmed and declared to be legal and binding upon the ratepayers of the Corporation.

4.—(1) By-law number 5269 to authorize an agreement Agreement between City and His Majesty validated.
with His Majesty the King in right of Canada and the said agreement, set forth as Schedules D and E hereto, respectively, are hereby validated and confirmed and declared to be legal and binding upon the Corporation and the ratepayers thereof.

(2) All payments in lieu of taxes received by the Corporation pursuant to the said agreement shall be distributed by the council of the Corporation to each of the bodies for which the council is required by law to levy rates in the same proportion as the levy of each of such bodies bears to the total levy. Distribution of money.

Deferred
widening of
highways.

Rev. Stat.,
c. 266.

Commence-
ment of Act.

Short title.

5. For the purposes of section 348 of *The Municipal Act*, the City of St. Catharines shall be deemed to be a city having a population of not less than 50,000.

6. This Act shall come into force on the day it receives the Royal Assent.

7. This Act may be cited as *The City of St. Catharines Act*, 1949.

SCHEDULE A
CITY OF ST. CATHARINES

BY-LAW No. 5349

A By-law to guarantee debentures of The St. Catharines General Hospital for the sum of \$625,000.00 with interest thereon at the rate of $3\frac{1}{4}\%$ per annum to assist in the rehabilitation of and extension to the said Hospital.

WHEREAS The St. Catharines General Hospital has undertaken to rehabilitate its existing buildings and to erect an extension to provide not less than 187 new beds;

AND WHEREAS to provide for part of the cost of the said rehabilitation and extension The St. Catharines General Hospital has undertaken to raise the sum of \$900,000.00 upon debentures and has requested the Corporation to guarantee \$625,000.00 of the said debentures;

AND WHEREAS paragraph 28 of section 404 of *The Municipal Act* provides as follows:

That by-laws may be passed by the councils of all municipalities for granting aid for the erection, establishment, maintenance or equipment of public hospitals, public sanatoria or municipal isolation hospitals within or without the municipality and may issue debentures therefor;

AND WHEREAS the said Council has agreed to guarantee the said debentures as hereinafter provided;

AND WHEREAS the total amount of debt intended to be created by this by-law is the said sum of \$625,000.00 together with interest thereon at the rate of $3\frac{1}{4}\%$ per annum repayable in equal annual instalments during the period of 20 years;

AND WHEREAS the amount of the whole rateable property of the City of St. Catharines according to the last revised assessment roll is \$34,323,198.00;

AND WHEREAS the amount of the existing debenture debt of the Corporation, exclusive of local improvement and other indebtedness which by the provisions of certain statutes of the Province of Ontario is not to be reckoned in ascertaining whether the limit of the borrowing power of the Corporation has been reached, is \$970,257.49 and no part of the principal or interest thereof is in arrear;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. CATHARINES enacts as follows:

1. That authority be and it is hereby given for the guarantee by the Corporation of the City of St. Catharines of the issue of debentures of The St. Catharines General Hospital to the amount of \$625,000.00, to be in denominations of not less than \$50.00 each and bearing interest at the rate of $3\frac{1}{4}\%$ per annum payable yearly, and payment of such debentures and of the principal and interest thereof is hereby guaranteed.

2. That the said guarantee of the Corporation shall be expressed by endorsement on the debentures of the said issue according to such form as may be approved by resolution of the Council and which endorsement shall be sealed with the Corporate seal and be signed by the Mayor and Treasurer.

3. That all matters pertaining or incidental to the said guarantee or subsequently arising therefrom shall be dealt with and provided for as may be necessary from time to time in accordance with an agreement or agreements to be entered into between The St. Catharines General Hospital and the Corporation.

4. That the debentures may be issued in sets of such amounts and at such times as the circumstances require but so that the first of the sets shall be issued within two years and all of them within five years after the passing of this by-law.

5. The said debentures shall be payable in twenty equal annual instalments during the twenty years next after the time when the same are issued and the maximum respective amounts of principal and interest payable in each of such years shall be as follows:

Year	Principal	Interest	Total
1	\$22,674.29	\$20,312.50	\$42,986.79
2	23,411.22	19,575.57	42,986.79
3	24,172.08	18,814.71	42,986.79
4	24,957.68	18,029.11	42,986.79
5	25,768.80	17,217.99	42,986.79
6	26,606.29	16,380.50	42,986.79
7	27,470.99	15,515.80	42,986.79
8	28,363.80	14,622.99	42,986.79
9	29,285.62	13,701.17	42,986.79
10	30,237.40	12,749.39	42,986.79
11	31,220.12	11,766.67	42,986.79
12	32,234.77	10,752.02	42,986.79
13	33,282.40	9,704.39	42,986.79
14	34,364.08	8,622.71	42,986.79
15	35,480.91	7,505.88	42,986.79
16	36,634.04	6,352.75	42,986.79
17	37,824.65	5,162.14	42,986.79
18	39,053.95	3,932.84	42,986.79
19	40,323.20	2,663.59	42,986.79
20	41,633.71	1,353.08	42,986.79
	<u>\$625,000.00</u>	<u>\$234,735.80</u>	<u>\$859,735.80</u>

6. That during the twenty years, the currency of the said debentures, there is hereby imposed and there shall be raised and levied annually in respect thereof by a special rate sufficient therefor over and above all other rates on all the rateable property in the City of St. Catharines the amounts for each of the said before-mentioned years which are, respectively, necessary to meet the annual instalments of principal and interest payable for each year as set forth in the foregoing table and which the Corporation may be required to pay pursuant to the said guarantee.

7. That this by-law shall come into force and take effect as soon as it shall have been validated by Act of the Legislative Assembly of the Province of Ontario.

PASSED this 14th day of February, A.D. 1949.

(Sgd.) RICHARD M. ROBERTSON, *Mayor.*

(Sgd.) HERBERT H. SMITH, *Clerk.*

SCHEDULE B

CITY OF ST. CATHARINES

BY-LAW No. 5350

A By-law to authorize the granting of \$425,000.00 to The Religious Hospitallers of St. Joseph of Hotel Dieu to assist in the erection of a public hospital in the City of St. Catharines.

WHEREAS The Religious Hospitallers of St. Joseph of Hotel Dieu of the Roman Catholic Archdiocese of Toronto in Canada (hereinafter referred to as Hotel Dieu) have undertaken to erect a public hospital in the City of St. Catharines to provide not less than 125 beds;

AND WHEREAS Hotel Dieu has requested the Council of the Corporation of the City of St. Catharines to grant it the sum of \$425,000.00 to assist in the erection of the proposed public hospital;

AND WHEREAS paragraph 28 of section 404 of *The Municipal Act* provides that by-laws may be passed by the councils of all municipalities for granting aid for the erection, establishment, maintenance or equipment of public hospitals, public sanatoria or municipal isolation hospitals within or without the municipality and may issue debentures therefor;

AND WHEREAS the said Council has agreed to grant the said sum of \$425,000.00 as hereinafter provided;

AND WHEREAS the total amount of debt intended to be created by this by-law is the said sum of \$425,000.00 payable in instalments during the period of 20 years;

AND WHEREAS the amount of the whole rateable property of the City of St. Catharines according to the last revised assessment roll is \$34,323,198.00;

AND WHEREAS the amount of the existing debenture debt of the Corporation, exclusive of local improvement and other indebtedness which by the provisions of certain statutes of the Province of Ontario is not to be reckoned in ascertaining whether the limit of the borrowing power of the Corporation has been reached is \$970,257.49 and no part of the principal or interest thereof is in arrear;

AND WHEREAS the Ontario Municipal Board has approved this by-law as appears by its Certificate P.F. B-9829;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. CATHARINES enacts as follows:

1. That authority be and it is hereby given to grant to Hotel Dieu for the purpose of assisting in the erection of a public hospital in the City of St. Catharines the sum of \$425,000.00 payable in instalments as follows:

During each of the years from 1949 to 1953, both inclusive, the sum of \$25,000.00 and during each of the years from 1954 to 1968, both inclusive, the sum of \$20,000.00.

2. That all matters pertaining or incidental to the said grant or subsequently arising therefrom shall be dealt with and provided for as may be necessary from time to time in accordance with an agreement or agreements to be entered into between Hotel Dieu and the Corporation.

3. That during each of the years from 1949 to 1968, both inclusive, the sums set out in Paragraph 1 hereof aggregating \$425,000.00 shall be raised annually by levying a special rate sufficient therefor over and above all other rates on all the rateable property in the City of St. Catharines at the same time and in the same manner as other rates.

4. That this by-law shall not come into force until approved by the Ontario Municipal Board.

PASSED this 14th day of February, A.D. 1949.

(Sgd.) RICHARD M. ROBERTSON,
Mayor.

(Sgd.) HERBERT H. SMITH,
Clerk.

SCHEDULE C

CITY OF ST. CATHARINES

BY-LAW No. 5331

A By-law to establish a Parking Meter Fund.

WHEREAS the Council of the Corporation of the City of St. Catharines deems it desirable that all profits from the use of parking meters in the City of St. Catharines should be used for the general betterment of conditions for users of motor vehicles;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. CATHARINES enacts as follows:

1. That all monies received from the use of parking meters including the Corporation's share of any fines recovered for violations of any offence in connection with the use of parking meters shall be deposited and form part of a special fund to be known as the Parking Meter Fund.

2. That out of such fund shall be paid the purchase price of any parking meters now used or hereafter acquired by the said Corporation and all expenses of maintaining the said meters including the salary of the special Police Constable responsible for their maintenance together with such other costs involved in the collection of parking meter fees and the operation of the said meters as may from time to time be approved by Council.

3. That all sums then remaining in the Parking Meter Fund shall be used only for the general improvement of traffic conditions and parking facilities including the purchase of any parking lot or lots in such manner as Council may from time to time decide.

4. That this by-law shall come into force as soon as it shall have been validated by an Act of the Legislative Assembly of the Province of Ontario.

PASSED this 13th day of December, A.D. 1948.

(Sgd.) W. J. MACDONALD,
Mayor.
(Sgd.) HERBERT H. SMITH,
Clerk.

SCHEDULE D

CITY OF ST. CATHARINES

BY-LAW No. 5269

A By-law to authorize an agreement with His Majesty the King in right of Canada with respect to the housing project constructed by Housing Enterprises (St. Catharines) Ltd.

WHEREAS the Corporation of the City of St. Catharines entered into an agreement dated the 10th day of June, 1947, with Housing Enterprises (St. Catharines) Ltd. providing for the construction of a housing project in the Macdonald Gardens Subdivision;

AND WHEREAS by By-law No. 5256 the Council of the Corporation of the City of St. Catharines authorized an agreement providing for the assignment by Housing Enterprises (St. Catharines) Ltd. of all its rights and liabilities under the said agreement dated the 10th day of June, 1947, to His Majesty the King in right of Canada represented by Central Mortgage and Housing Corporation;

AND WHEREAS it is desirable to enter into a further agreement with His Majesty the King in right of Canada represented by Central Mortgage and Housing Corporation providing for payments in lieu of taxes and other matters in connection with the operation of the said housing project in Macdonald Gardens Subdivision;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. CATHARINES enacts as follows:

1. That an agreement dated the 22nd day of March, 1948, between the Corporation of the City of St. Catharines and His Majesty the King in right of Canada represented by Central Mortgage and Housing Corporation, a draft of which is hereunto annexed, be and the same is hereby authorized.

2. That the Mayor and Clerk be and each of them is hereby authorized to execute the said agreement and the Clerk is hereby authorized to affix the corporate seal thereto and to deliver the same.

PASSED this 17th day of May, 1948.

(Sgd.) W. J. MacDONALD,
Mayor.
(Sgd.) HERBERT H. SMITH,
Clerk.

SCHEDULE E

AGREEMENT made in duplicate this 22nd day of March, 1948.

BETWEEN:

THE CORPORATION OF THE CITY OF ST. CATHARINES in the Province of Ontario, hereinafter called "the Municipality",

OF THE FIRST PART,

—and—

HIS MAJESTY THE KING IN RIGHT OF CANADA represented by CENTRAL MORTGAGE AND HOUSING CORPORATION, hereinafter called "the Corporation",

OF THE SECOND PART.

WHEREAS Housing Enterprises (St. Catharines) Ltd. under the provisions of *The National Housing Act* (Canada) agreed to construct a rental housing project upon certain lands within the City of St. Catharines more particularly described in Schedule "A" hereto annexed;

AND WHEREAS the said housing project has been completed and Housing Enterprises (St. Catharines) Ltd. has conveyed or is about to convey the said lands to the Corporation;

AND WHEREAS the Corporation agrees with the Municipality to operate the said project as a rental housing project upon the terms and conditions of this Agreement;

NOW, THEREFORE, THIS AGREEMENT WITNESSETH that the parties hereto mutually covenant and agree each with the other as follows:

1. The Corporation shall during the term of five years next ensuing from the effective date of this Agreement lease the houses and lands appurtenant thereto at rents to be determined by the Corporation to service-men returned from general service in World War II or to the dependents of such service-men, or of a service-man killed in active service in such war, provided that whenever and so often as any of the houses is or becomes vacant and there is no application of any such service-man or dependent thereof acceptable to and filed with the Corporation, then the Corporation shall have the right to lease the same to whomsoever it shall in its uncontrolled discretion determine.

2. The Corporation at its own cost and expense shall during the period referred to in Clause 1 hereof, undertake and carry out the management and control of the houses and appurtenances thereto belonging, and shall at all times during such period well and sufficiently repair, maintain and keep the same in good and substantial repair, reasonable wear and tear and damage by fire, lightning and tempest always excepted.

3. The Municipality covenants and agrees to furnish to the houses and to the tenants thereof all such facilities, privileges and services of the municipality as are furnished or made available to other properties or property-owners and tenants in the municipality, including, without limiting the generality of the foregoing, fire protection, police protection, schools and educational facilities.

4.—(1) The Corporation agrees to pay to the Municipality on the first day of the month of October in each of the Five years next ensuing from the effective date of this Agreement beginning on the first day of October, 1948, an amount equal to the annual taxes (but not including local improvement rates or charges upon the lands of the project in respect of the works or services constructed or to be constructed and installed by the Municipality pursuant to an Agreement dated the 10th day of June, 1947, made between the Municipality and Housing Enterprises (St. Catharines) Ltd. which would be levied in respect of the houses, garages and lands of the said project if the same were owned by a person not exempt from taxation, based upon the assessments fixed for the year

1948 as set out in Schedule "B" hereto annexed and with respect to the payments to be made in the years 1948 and 1949 based upon the mill rate fixed for the year 1948, namely, 43 mills. With respect to the payments to be made in the years 1950, 1951 and 1952, the then current mill rate will be applied. It is agreed that each garage will be assessed for the year 1948 on the basis of \$250.00 and that the portion of the payment to be made in respect of each garage for the year 1948 shall be pro rated from the date of completion thereof.

Provided always that in any event the payment to be made in any year during the term of this Agreement shall not exceed the average of \$125.00 per housing unit.

(2) The Municipality agrees that it will accept the said payments in lieu of all taxes leviable with respect to the said houses, garages and lands.

5. During the period of five years next ensuing from the 1st day of January, 1948, in consideration of the payments provided for in Clause 4 hereof, the municipality agrees not to levy or collect, or permit to be levied or collected, for the term of this Agreement, any taxes, assessments, rates or municipal or school charges of any kind or nature on or from the Corporation, the tenants or occupants of the houses while the same are owned by the Corporation, provided that nothing contained in this Clause shall be deemed to limit the right of the municipality to charge the tenants or occupants of the houses, while the same are owned by the Corporation, usual charges for the supply of water, gas or electricity, or to collect from such tenants or occupants any license or permit fees or dog tax or business tax or poll tax which the municipality has the right to collect.

6. Notwithstanding anything contained in this Agreement, the provisions herein shall only affect the houses and lands appurtenant thereto while owned by the Corporation, and the Corporation may at any time sell or convey, by agreement of sale or otherwise, any or all of the houses and lands appurtenant thereto in such manner as the Corporation may determine.

7. IT IS HEREBY UNDERSTOOD AND AGREED that the effective date of this Agreement for the purpose of determining the five-year period previously referred to herein shall be the first day of January, 1948.

IN WITNESS WHEREOF the Parties hereto have hereunto affixed their respective Corporate Seals attested by the hands of their respective officers in that behalf duly authorized.

THE CORPORATION OF THE CITY OF
ST. CATHARINES.

(Sgd.) W. J. MACDONALD,
Mayor.

(Seal)

(Sgd.) HERBERT H. SMITH,
Municipal Clerk.

HIS MAJESTY THE KING IN RIGHT
OF CANADA represented by CENTRAL MORTGAGE AND HOUSING CORPORATION.

(Sgd.) HECTOR SAINT PIERRE,
For President.

(Seal)

(Sgd.) J. D. RITCHIE,
For Secretary.

Schedule A

This is Schedule A referred to in the annexed Agreement dated the 22nd day of March, 1948, between the Corporation of the City of St. Catharines and His Majesty the King in Right of Canada represented by Central Mortgage and Housing Corporation.

The lands referred to in the annexed Agreement are described as follows:

ALL AND SINGULAR those certain parcels or tracts of land and premises, situate, lying and being in the City of St. Catharines, County of Lincoln, Province of Ontario, and being more particularly described as follows:

Firstly: All of Lots 2875 to 2891, both inclusive, and Lots 2894 to 2998, both inclusive, and the southerly 25 feet more or less from front to rear of Lot 2874, and the southerly 10 feet more or less from front to rear of Lot 2999; all according to the compiled plan of the said City filed in the Registry Office for the Registry Division of the County of Lincoln as Corporation Plan No. 2.

Secondly: Part of Lot 3008 according to the said Corporation Plan No. 2 described as follows:

COMMENCING at the south-west angle of said Lot 3008; thence north 63 degrees and 59 minutes east in the northerly limit of Eastchester Avenue, 291.7 feet; thence north 5 degrees and 19 minutes west, 247.0 feet; thence north 30 degrees and 20 minutes west, 28.4 feet; thence north 1 degree and 58 minutes west, 155.85 feet; thence south 88 degrees 50 minutes west, 233 feet to the easterly limit of Lot 2999 according to the said Plan; thence south 1 degree 48 minutes east along the westerly limit of said Lot 3008 to the place of beginning.

Thirdly: Part of Lot 2813 according to the said Corporation Plan No. 2 described as follows:

COMMENCING at a point in the southerly limit of Westchester Avenue in the said City, the said point being distant 65 feet more or less measured on a bearing of south 86 degrees 03 minutes east from a point in the production southerly of the easterly limit of Princess Street according to the said Corporation Plan No. 2, the said last mentioned point being distant 30.4 feet southerly from the northerly limit of Westchester Avenue; thence south 86 degrees 03 minutes east a distance of 186 feet more or less to the production southerly of the easterly limit of Toronto Street according to the said Corporation Plan No. 2; thence north 1 degree 48 minutes west along the said last mentioned production 100 feet more or less to the southerly limit of Westchester Avenue aforesaid; thence south 63 degrees 59 minutes west along the said southerly limit of Westchester Avenue to the place of beginning.

Fourthly: Part of Westchester Avenue in the City of St. Catharines, described as follows:

COMMENCING at the intersection of the easterly limit of Princess Street with the northerly limit of Westchester Avenue; thence south 1 degree and 34 minutes east in the southerly production of the easterly limit of Princess Street, 30.4 feet to a point in the westerly production of the northerly limit of Westchester Crescent; thence south 86 degrees and 03 minutes east in the said last mentioned limit to the southerly limit of Westchester Avenue; thence north 63 degrees and 59 minutes east in the said last mentioned limit to a point in the southerly production of the westerly limit of Toronto Street; thence north 1 degree and 34 minutes west in the said last mentioned limit, 66.1 feet to the northerly limit of Westchester Avenue; thence south 63 degrees and 59 minutes west in the said last mentioned limit, 218.65 feet more or less to the place of beginning.

Fifthly: That part of Toronto Street according to the said Corporation Plan No. 2 lying between a straight line drawn from the north-west angle of Lot 2993 according to the said plan to the north-east angle of Lot 2964 according to the said plan and the production easterly of the northerly limit of Argyle Crescent as shown on the said plan.

Sixthly: That part of Princess Street according to the said Corporation Plan No. 2 lying between a straight line drawn from the north-west angle of Lot 2954 according to the said plan to the north-east angle of Lot 2919 according to the said plan and the southerly limit of Argyle Crescent as shown on the said plan.

Seventhly: The southerly half of Argyle Crescent as shown on the said Corporation Plan No. 2 lying between the easterly limit of Inverness Street and the westerly limit of Toronto Street as shown on the said plan.

Schedule B

This is Schedule B referred to in the annexed Agreement dated the 22nd day of March, 1948, between the Corporation of the City of St. Catharines and His Majesty the King in right of Canada represented by Central Mortgage and Housing Corporation.

102 HOUSING ENTERPRISES HOUSES					
Roll No.	Address	Land	Building	Total Assessment	No. of Bed-rooms
3-2011	5 Argyle Cresc. Lot No. 1	\$450.00	\$1,770.00	\$2,220.00	2
3-2139	6 Argyle Cresc. Lot No. 13	450.00	1,680.00	2,130.00	2
3-2010	7 Argyle Cresc. Lot No. 2	450.00	1,700.00	2,150.00	2
3-2138	8 Argyle Cresc. Lot No. 14	450.00	1,740.00	2,190.00	2
3-2008	9 Argyle Cresc. Lot No. 3	450.0	1,770.00	2,220.00	2
3-2137	10 Argyle Cresc. Lot No. 15	450.00	1,680.00	2,130.00	2
3-2007	11 Argyle Cresc. Lot No. 4	450.00	1,700.00	2,150.00 & 250.00	2
3-2135	12 Argyle Cresc. Lot No. 16	450.00	2,040.00	2,490.00 & 250.00	3
3-2005	13 Argyle Cresc. Lot No. 5	450.00	2,040.00	2,490.00	3
3-2134	14 Argyle Cresc. Lot No. 17	450.00	2,100.00	2,550.00	3
3-2004	15 Argyle Cresc. Lot No. 6	450.00	2,160.00	2,610.00	3
3-2132	16 Argyle Cresc. Lot No. 18	450.00	1,740.00	2,190.00	2
3-2002	17 Argyle Cresc. Lot No. 7	450.00	2,250.00	2,700.00	3
3-2131	18 Argyle Cresc. Lot No. 19	450.00	1,680.00	2,130.00	2
3-2001	19 Argyle Cresc. Lot No. 8	450.00	2,100.00	2,550.00	3
3-2128	20 Argyle Cresc. Lot No. 20	450.00	2,790.00	3,240.00	4
3-1999	21 Argyle Cresc. Lot No. 9	450.00	1,770.00	2,220.00	2
3-4062-1	22 Argyle Cresc. Lot No. 21	425.00	2,240.00	2,665.00	3
3-1998	23 Argyle Cresc. Lot No. 10	450.00	1,700.00	2,150.00	2
3-4062-2	24 Argyle Cresc. Lot No. 21	425.00	2,240.00	2,665.00	3
3-1996	25 Argyle Cresc. Lot No. 11	450.00	1,770.00	2,220.00	2
3-4063	26 Argyle Cresc. Lot No. 22	700.00	2,895.00	3,595.00	4
3-1995	27 Argyle Cresc. Lot No. 12	450.00	1,700.00	2,150.00	2
3-4065	28 Argyle Cresc. Lot No. 41	500.00	2,040.00	2,540.00	3

102 HOUSING ENTERPRISES HOUSES

Roll No.	Address	Land	Building	Total Assessment	No. of Bed-rooms
3-4066	30 Argyle Cresc. Lot No. 42	500.00	2,895.00	3,395.00	4
3-4080	31 Argyle Cresc. Lot No. 74	450.00	1,740.00	2,190.00	2
3-4067	32 Argyle Cresc. Lot No. 43	500.00	2,790.00	3,290.00 & 250.00	4
3-4081	33 Argyle Cresc. Lot No. 75	410.00	2,100.00	2,510.00 & 250.00	3
3-4068	34 Argyle Cresc. Lot No. 44	500.00	2,100.00	2,600.00	3
3-4082	35 Argyle Cresc. Lot No. 76	410.00	2,040.00	2,450.00	3
3-4070	36 Argyle Cresc. Lot No. 62	500.00	2,040.00	2,540.00	3
3-4083	37 Argyle Cresc. Lot No. 77	430.00	2,100.00	2,530.00	3
3-4071	38 Argyle Cresc. Lot No. 63	500.00	2,895.00	3,395.00 & 250.00	4
3-4084	39 Argyle Cresc. Lot No. 78	430.00	1,740.00	2,170.00	2
3-4072	40 Argyle Cresc. Lot No. 64	500.00	2,790.00	3,290.00 & 250.00	4
3-4084C	41 Argyle Cresc. Lot No. 79	450.00	1,740.00	2,190.00	2
3-4073	42 Argyle Cresc. Lot No. 65	500.00	2,100.00	2,600.00 & 250.00	3
3-4084D	43 Argyle Cresc. Lot No. 80	450.00	2,100.00	2,550.00	3
3-4084E	45 Argyle Cresc. Lot No. 81	450.00	2,040.00	2,490.00	3
3-4084F	47 Argyle Cresc. Lot No. 82	450.00	2,100.00	2,550.00	3
3-4084G	49 Argyle Cresc. Lot No. 83	450.00	1,740.00	2,190.00	2
3-4085	51 Argyle Cresc. Lot No. 84	450.00	1,740.00	2,190.00	2
3-4085B	53 Argyle Cresc. Lot No. 85	450.00	2,100.00	2,550.00 & 250.00	3
3-4085C	55 Argyle Cresc. Lot No. 86	450.00	2,040.00	2,490.00	3
3-4085D	57 Argyle Cresc. Lot No. 87	450.00	2,100.00	2,550.00	3
3-4085E	59 Argyle Cresc. Lot No. 88	450.00	2,100.00	2,550.00	3
3-4085F	61 Argyle Cresc. Lot No. 89	450.00	1,740.00	2,190.00 & 250.00	2
3-4085G	63 Argyle Cresc. Lot No. 90	450.00	1,740.00	2,190.00	2
3-2517	1 Blain Place Lot No. 55	450.00	2,100.00	2,550.00 & 250.00	3
3-2516	3 Blain Place Lot No. 52	400.00	2,040.00	2,440.00 & 250.00	3
3-2515	5 Blain Place Lot No. 51	450.00	1,700.00	2,150.00	2
3-2514	7 Blain Place Lot No. 50	450.00	2,040.00	2,490.00	3
3-2644	8 Blain Place Lot No. 57	450.00	2,040.00	2,490.00	3
3-2513	9 Blain Place Lot No. 49	450.00	2,160.00	2,610.00	3
3-2643	10 Blain Place Lot No. 58	450.00	2,040.00	2,490.00 & 250.00	3
3-2511	11 Blain Place Lot No. 48	450.00	2,250.00	2,700.00	3
3-2641	12 Blain Place Lot No. 59	450.00	1,680.00	2,130.00	2

102 HOUSING ENTERPRISES HOUSES

Roll No.	Address	Land	Building	Total Assessment	No. of Bed-Rooms Garage rooms
3-2510	13 Blain Place Lot No. 47	450.00	2,100.00	2,550.00	3
3-2640	14 Blain Place Lot No. 60	450.00	1,740.00	2,190.00	2
3-2508	15 Blain Place Lot No. 46	450.00	1,700.00	2,150.00	2
3-2638	16 Blain Place Lot No. 61	450.00	2,100.00	2,550.00	3
3-2507	17 Blain Place Lot No. 45	450.00	2,100.00	2,550.00	3
3-2970	8 Collier St. Lot No. 97	450.00	2,040.00	2,490.00 & 250.00	3
3-2969	10 Collier St. Lot No. 96	450.00	1,740.00	2,190.00	2
3-2655	11 Collier St. Lot No. 69	450.00	2,100.00	2,550.00 & 250.00	3
3-2968	12 Collier St. Lot No. 95	450.00	1,680.00	2,130.00 & 250.00	2
3-2654	13 Collier St. Lot No. 68	450.00	1,770.00	2,220.00	2
3-2967	14 Collier St. Lot No. 94	450.00	2,250.00	2,700.00	3
3-2653	15 Collier St. Lot No. 67	450.00	1,770.00	2,220.00	2
3-2966	16 Collier St. Lot No. 93	450.00	2,160.00	2,610.00	3
3-2652	17 Collier St. Lot No. 66	450.00	2,100.00	2,550.00	3
3-2965	18 Collier St. Lot No. 92	450.00	1,680.00	2,130.00 & 250.00	2
3-2964	20 Collier St. Lot No. 91	430.00	2,040.00	2,470.00 & 250.00	3
3-2390	2 Princess St. Lot No. 33	450.00	1,680.00	2,130.00	2
3-2264	3 Princess St. Lot No. 29	450.00	1,770.00	2,220.00	2
3-2389	4 Princess St. Lot No. 34	450.00	1,740.00	2,190.00	2
3-2263	5 Princess St. Lot No. 28	450.00	2,040.00	2,490.00	3
3-2387	6 Princess St. Lot No. 35	450.00	2,100.00	2,550.00	3
3-2261	7 Princess St. Lot No. 27	450.00	2,160.00	2,610.00 & 250.00	3
3-2386	8 Princess St. Lot No. 36	450.00	2,250.00	2,700.00 & 250.00	3
3-2260	9 Princess St. Lot No. 26	450.00	2,250.00	2,700.00	3
3-2384	10 Princess St. Lot No. 37	450.00	2,160.00	2,610.00	3
3-2258	11 Princess St. Lot No. 25	450.00	2,100.00	2,550.00	3
3-2383	12 Princess St. Lot No. 38	450.00	2,040.00	2,490.00	3
3-2257	13 Princess St. Lot No. 24	450.00	1,770.00	2,220.00	2
3-2381	14 Princess St. Lot No. 39	450.00	1,680.00	2,130.00 & 250.00	2
3-2254	15 Princess St. Lot No. 23	450.00	1,700.00	2,150.00	2
3-2380	16 Princess St. Lot No. 40	450.00	1,740.00	2,190.00 & 250.00	2
3-3995	57 Westchester Ave. Lot No. 32	600.00	2,790.00	3,390.00 & 250.00	4

102 HOUSING ENTERPRISES HOUSES

Roll No.	Address	Land	Building	Total Assessment	No. of Bed-rooms
3-3996-1	59 Westchester Ave. Lot No. 31	425.00	2,225.00	2,650.00	3
3-3996-2	61 Westchester Ave. Lot No. 31	425.00	2,225.00	2,650.00	3
3-3997	63 Westchester Ave. Lot No. 30	600.00	2,940.00	3,540.00 & 250.00	4
	65) 67 (See Westchester Cresc. 69 71)				
3-4009	73 Westchester Ave. Lot No. 73	550.00	2,790.00	3,340.00 & 250.00	4
3-4010-1	75 Westchester Ave. Lot No. 72	350.00	2,225.00	2,575.00 & 250.00	3
3-4010-2	77 Westchester Ave. Lot No. 72	350.00	2,225.00	2,575.00	3
3-4011-1	79 Westchester Ave. Lot No. 71	350.00	2,225.00	2,575.00 & 250.00	3
3-4011-2	81 Westchester Ave. Lot No. 71	350.00	2,225.00	2,575.00	3
3-4012	83 Westchester Ave. Lot No. 70	500.00	2,940.00	3,440.00	4
3-4041	65 Westchester Cresc. Lot No. 56	550.00	2,790.00	3,340.00 & 250.00	4
3-4042-1	67 Westchester Cresc. Lot No. 55	400.00	2,225.00	2,625.00	3
3-4042-2	69 Westchester Cresc. Lot No. 55	400.00	2,225.00	2,625.00 & 250.00	3
3-4043	71 Westchester Cresc. Lot No. 54	545.00	2,940.00	3,485.00	4
3-4084B	Path—Argyle Cresc.	145.00	145.00	
3-4084H	Path—Argyle Cresc.	200.00	200.00	

CHAPTER 138.

An Act respecting the Township of Sandwich West.

*Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.*

WHEREAS the Corporation of the Township of Sandwich West by its petition has prayed for special legislation in respect to the matters hereinafter set forth; and whereas it is expedient to grant the prayer of the said petition; Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The council of the Corporation may pass by-laws authorizing the cleaning out of drains, ditches and water-courses, including ditches or drains constructed under *The Ditches and Watercourses Act* or *The Municipal Drainage Act*, in the township or in any defined area thereof described in the by-law and for providing that the cost of the work shall be charged and collected by a special rate sufficient therefor levied upon all the rateable property in the township or in the defined area. Cleaning of ditches and drains, etc.

(2) It shall be lawful for all persons engaged in such work to enter for such purpose upon such land in the Township as may be necessary without leave or consent of the owner or any other person, provided that no such person shall cause any unnecessary damage to any property in so doing. Authority to go on lands to perform work.

(3) The Corporation shall not be liable in damages to any person for any work so done except for damages suffered through the default or negligence of the Corporation and from a particular loss or damage beyond what is suffered by such person in common with all other persons affected by the work. When the Corporation is liable for damages.

2.—(1) Section 1 of Article V of the Plan for the Adjustment and Reorganization of the Debenture and other indebtedness of the Corporation of the Township of Sandwich West, Ontario, which,— Section 1, Article V of Plan confirmed.

(a) is dated the 1st day of December, 1946;

(b) was implemented by by-law number 1207 of the Corporation passed on the 22nd day of September,

1947, and approved by the Department of Municipal Affairs on the 24th day of September, 1947; and

(c) was approved by the Ontario Municipal Board by Order No. P.F. B-6580 signed the 9th day of July, 1947,

is hereby ratified and confirmed.

Application
of section
to local
improvement
assessments.

(2) The said section 1 of Article V has applied and will continue to apply in respect of the refunded debt originally incurred for local improvements and to the special assessments as originally imposed for the same in so far as such assessments had not been levied prior to the year 1945.

Levies
already
made con-
firmed.

(3) All the levies made by the Corporation in respect of the said special assessments in the years 1945, 1946, 1947 and 1948, respectively, are hereby confirmed.

Imposing
of future
levies, etc.

(4) The balance of the said special assessments or parts thereof which have not been levied prior to the 1st day of January, 1949, shall be levied annually until all the levies have been made as originally imposed, subject to such variations as the Department of Municipal Affairs may from time to time direct as authorized by the said section 1 of Article V.

Commence-
ment of Act.

3. This Act shall come into force on the day it receives the Royal Assent.

Short title.

4. This Act may be cited as *The Township of Sandwich West Act, 1949*.

CHAPTER 139.

An Act respecting the Sarnia Young Men's and
Young Women's Christian Association.

*Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.*

WHEREAS the persons named in section 1 have prayed Preamble. that an Act be passed to incorporate Sarnia Young Men's and Young Women's Christian Association as a body corporate and politic for the purposes and with the powers hereinafter provided; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Hope Harris Millholland, Floretta Ruth Sleeth, Mary Isabelle Logie, Vera Hanna Wilson, Janie Brenda LeSueur, Margaret Helen Sinclair, Chester Holdsworth Belton, William Gordon Link, Albert Lee Taylor, William David Ferguson, Aubrey William Oldham, George William Parker, Joseph William Simpson, Fred Harris Walker, Francis Peart Dawson, and such other persons as are now members of the Sarnia Young Men's and Young Women's Christian Association or hereafter become members of the body corporate hereby created are hereby constituted a body corporate and politic under the name of "Sarnia Young Men's and Young Women's Christian Association", hereinafter called the "association". Incorporation.

2. All real and personal property belonging to or held in trust for the association shall henceforth be vested in the association to be held, used, administered and disposed of, subject to the provisions of this Act, in accordance with the constitution and by-laws of the association. Vesting of property.

3. All property vested by this Act in the association shall remain liable for the payment or satisfaction of any debts or any obligations heretofore contracted or incurred in respect thereto, to the same extent as it would have been liable therefor had this Act not been passed. Property liable for existing debts.

4. The association may acquire and hold in the City of Sarnia and the vicinity thereof, any real property or any Power to acquire and dispose of real estate.

Proviso.

estate or interest therein either by purchase, lease, gift, devise or bequest either absolutely or in trust, and may sell, transfer, exchange, mortgage, hypothecate, lease or otherwise alienate or dispose of the same or any part thereof and apply the proceeds of any such property for its purposes; provided that no land at any time acquired by the association and not required for its actual use and purposes, or by way of security for the payment of any loan, debt or guarantee, shall be held by it or by any trustee on its behalf for a longer period than seven years after it shall cease to be so required, but this proviso shall not be deemed in any wise to vary or otherwise affect any trust relating to such property.

Provisional directors.

5.—(1) The provisional directors of the association shall be the said Hope Harris Millholland, Floretta Ruth Sleeth, Mary Isabelle Logie, Vera Hanna Wilson, Janie Brenda LeSueur, Margaret Helen Sinclair, Chester Holdsworth Belton, William Gordon Link, Albert Lee Taylor, William David Ferguson, Aubrey William Oldham, George William Parker, Joseph William Simpson, Fred Harris Walker and Francis Peart Dawson, who shall hold office until the first annual general meeting of the members of the association, which shall be held not later than the 30th day of April, 1949.

Provisional constitution and by-laws.

(2) It shall be the duty of the provisional directors to adopt a provisional constitution and by-laws of the association and submit the same to the first annual general meeting of the members of the association for their consideration and confirmation, and the said provisional constitution and by-laws when so confirmed or as the same may be varied and amended at the said meeting shall be the constitution and by-laws of the association subject to any addition to, amendment or variation of or substitution for the same as may afterwards be made as provided for therein.

First directors.

(3) At the first annual general meeting the directors of the association shall be elected as provided for in the provisional constitution and by-laws, and the directors so elected shall hold office in accordance with the constitution and by-laws as finally confirmed and adopted at such meeting.

Copies of by-laws, etc., to be sent to members.

(4) The provisional directors shall furnish each member of the association with a copy of the provisional constitution and by-laws at least fourteen days prior to the date upon which the said first annual general meeting is to be held and shall at the same time give notice of such meeting to the members.

Officers.

6. The officers of the provisional board of directors of the association shall be the officers of the said association and shall retain their respective offices until others shall be elected

in their places, under the constitution and by-laws of the association.

7. The objects of the association shall be the spiritual, ^{Objects of association.} mental, social, educational and physical welfare and improvement of young men, boys, young women and girls by the erection, operation, maintenance and support of meetings, lectures, reading and recreation rooms, libraries, gymnasias, athletic grounds, summer camps, aquatic facilities, dormitories, lunch rooms, and such other means as may from time to time be determined upon, and to establish, maintain and operate branch associations in the City of Sarnia and the vicinity thereof, and the association may make all or part of its facilities and equipment available for use by such community organizations as may have as their object the general good of the citizens of the said City upon such terms and conditions as may be determined by the association.

8. The association may borrow money for its purposes ^{Borrowing powers.} upon its credit and may mortgage, hypothecate or pledge any of its real and personal property as security for any loan.

9. The association may establish an endowment fund for ^{Endowment fund.} the purpose of promoting and extending its aims and objects and in furtherance of such purpose may obtain, set aside and hold subscriptions, donations, gifts and bequests under such regulations and conditions in respect thereto as may from time to time be decided upon by the board of directors.

10. The association may lend money upon the security of ^{Loans and investments.} real estate and may invest and re-invest any of its funds and moneys in any debentures of municipal or public school districts or corporations, Dominion or Provincial debentures, bonds, stocks, or in Dominion or Provincial securities, or in any security the payment of which is guaranteed by the Dominion of Canada or any province thereof, and for all purposes of any loan or investment it shall have all such rights and remedies for collection, enforcement or repayment thereof as any individual or corporation would have by law in the premises.

11. The association may establish, aid or support such ^{Educational courses.} courses of technical, vocational or trades education as the board of directors of the association from time to time determine.

12. This Act shall come into force on the day it receives ^{Commencement of Act.} the Royal Assent.

13. This Act may be cited as *The Sarnia Young Men's and Young Women's Christian Association Act, 1949.* ^{Short title.}

CHAPTER 140.

An Act respecting the Township of Scarborough.

Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.

WHEREAS the Corporation of the Township of Scar- Preamble.
 borough by its petition has prayed for special legislation
 prohibiting its annexation to an adjoining municipality for a
 period of five years without the assent of the electors, and has
 prayed that it be granted certain of the powers given by
The Municipal Act to urban municipalities; and whereas it is Rev. Stat.,
 c. 266.
 expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario,
 enacts as follows:

1. Notwithstanding the provisions of any other Act, No annexa-
 tion for
 five years
 without
 assent of
 electors.
 excepting only section 23 of *The Municipal Act*, no part of
 the Township of Scarborough shall, for the period of five years
 after this Act comes into force, be annexed to an adjoining
 municipality without the assent of the electors of the Town-
 ship obtained on the submission of a question for that purpose
 in conformity with *The Municipal Act*.
2. For the purposes of paragraph 50 of section 407 and Application #
 of Rev. Stat.,
 c. 266, s. 407,
 para. 50;
 s. 414,
 paras. 3, 7,
 to Township.
 paragraphs 3 and 7 of section 414 of *The Municipal Act*,
 the Township of Scarborough shall be deemed to be a town.
3. This Act shall come into force on the day it receives the Commence-
 ment of Act.
 Royal Assent.
4. This Act may be cited as *The Township of Scarborough* Short title.
Act, 1949.

CHAPTER 141.

An Act respecting the Town of Tecumseh.

*Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.*

WHEREAS the Corporation of the Town of Tecumseh Preamble.
by its petition has represented that on the 25th day of October, 1948, by-law number 537 was passed for submitting to the electors of the Town the question whether they were in favour of making an application by the Corporation to the Legislature for authority to change the present composition of the town council of mayor, reeve and three councillors to that of mayor, reeve, deputy reeve and two councillors; and whereas the question was submitted to the electors on the 8th day of December, 1948, who by majority of votes declared themselves in favour of the application; and whereas the petitioner has prayed that an Act may be passed for such purpose; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) On and after the 31st day of December, 1949, Composition of council.
the council of the Corporation shall be composed of a mayor, a reeve, a deputy reeve and two councillors, who shall be elected by general vote of the qualified electors of the Town.

(2) For the office of the deputy reeve for the year 1950, First deputy reeve.
the council in office for that year shall appoint one of the two present councillors whose term of office expires at the end of the year 1950, who shall hold office as deputy reeve for that year.

(3) In the years thereafter the deputy reeve and one coun- Subsequent elections.
cillor shall be elected in the one year, and the mayor, reeve and one councillor in the next ensuing year.

2. Except where inconsistent with this Act, *The Town of Tecumseh Act, 1927* shall be of full force and effect. 1927, c. 129, to apply.

3. This Act shall come into force on the day it receives the Commence-
ment of Act.
Royal Assent.

4. This Act may be cited as *The Town of Tecumseh Act*, Short title.
1949.

CHAPTER 142.

An Act respecting the City of Toronto.

*Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.*

WHEREAS the Corporation of the City of Toronto by Preamble.
its petition has prayed for special legislation in respect
of the several matters hereinafter set forth; and whereas it is
expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario,
enacts as follows:

1.—(1) The agreement made between the Corporation of Agreement
for transfer
of ferry
service to
Toronto
Transporta-
tion Com-
mission
validated.
the City of Toronto and the Toronto Transportation Commis-
sion dated the 15th day of December, 1948, respecting the
transfer of the ferry service to Toronto Island, set forth as
Schedule A hereto, is hereby ratified and confirmed and
declared to be legal, valid and binding upon the parties thereto
and the ratepayers of the Corporation.

(2) The said agreement shall expire on the 31st day of Term of
agreement.
December, 1954.

2.—(1) The council of the Corporation may from time to Prescription
of street
building
line.
time, as a preliminary step to the widening of a street or
highway or any portion thereof when such street or highway
has buildings thereon built out to the street line, pass a by-law
or by-laws fixing as a building line the distance from the limit
of the street (which distance shall not be more than twenty
feet) at which any building to be thereafter erected abutting
on such street or highway or portion thereof may be erected
or placed, and for prohibiting the erection or placing of any
such building, or portion of same, closer to the limit of the
street than the distance fixed by the by-law.

(2) A by-law passed under subsection 1 shall not take effect Approval of
Municipal
Board.
until it is approved by the Ontario Municipal Board and when
so approved shall not be amended or repealed except with
leave of the Board and on such terms as the Board may
determine.

(3) A by-law passed under subsection 1 shall not prevent Exception of
one-storey
shops.
the erection or placing closer to the line of the street than the

distance fixed by the by-law of any one-storey shop or building front of such temporary character, conformable to the existing building by-laws and regulations, as may be reasonable.

Compulsory
street
widening.

(4) After such a by-law has been passed and approved by the Ontario Municipal Board, it shall be the duty of the Corporation to acquire or expropriate the land on that side of the street or highway lying between the limit thereof and the building line fixed by the by-law in any portion of such street or highway lying between two intersecting streets,—

- (a) when three-fourths of the land fronting and abutting on such portion has become occupied by buildings, other than one-storey shop or building fronts, built to conform to the building line fixed by the by-law; or
- (b) at any time after the expiration of ten years from the date of the by-law upon petition in writing of the majority of the owners of property affected by the by-law in any such portion.

Compensation when
land cleared.

(5) Where any owner of land clears that part thereof lying between the limit of the street or highway and the building line fixed by the by-law and offers to convey such part to the Corporation, the Corporation shall accept such conveyance and shall be liable for compensation to the owner or the persons entitled thereto to the same extent as if the by-law had been passed to widen the street or highway.

Limitation
of compensation.

(6) In determining the compensation payable by the Corporation for the taking of lands for the widening of a portion of a street or highway in respect to which a building line has been fixed under this section, the Corporation shall not be liable to pay compensation for or in respect to any building erected in contravention of the by-law fixing the building line.

Exercise of
authority
not to give
rise to
claims.

(7) Notwithstanding anything to the contrary in any Act and except as provided in subsection 5, the Corporation shall not be liable to pay any compensation or damages by reason of having passed a by-law under subsection 1.

Extension of
time to make
and complete
assessment
for 1949.

Rev. Stat.,
c. 272.

Idem.

3.—(1) The time within which the assessment roll of each ward in the City of Toronto should have been taken and returned in the year 1948 as required by *The Assessment Act* is hereby extended to and including the 1st day of June, 1949.

(2) The assessment rolls referred to in subsection 1 when returned and revised by the court of revision shall have the same validity and effect as if such assessment rolls had been

returned and revised in the year 1948 and within the times prescribed by *The Assessment Act*.

(3) Notwithstanding anything herein contained the statutory rights of appeal of all persons and the times for appealing to the court of revision, the county judge, the Ontario Municipal Board and every court to which an appeal may be made in respect of the assessment roll of each ward are preserved and continued to such extent as may be necessary to give effect to this section. Rights of appeal preserved.

(4) The Toronto and Suburban Separate School Board may forthwith appoint an equalization commission to perform in the year 1949 the duties set out in subsection 2 of section 8 of *The Toronto and Suburban Separate School Board Act, 1941*. Equalization of separate school rates. 1941, c. 82.

4. Any surplus funds remaining in the hands of the treasurer from debentures issued for any of the works included in the North West Grade Separation may be used for paying the Corporation's share of the cost of any of the North West Grade Separation works or any other works for the separation of highway and railway grades in and adjoining the City of Toronto which have been or may be ordered by the Board of Railway Commissioners for Canada, or to redeem before maturity debentures issued for any such works. Consolidation of surplus funds for North West Grade Separation Works.

5. The council of the Corporation may in a money by-law provide for the issue of debentures payable in not more than ten years without provision therein that all the debentures or a portion thereof shall be redeemable at the option of the Corporation on any date prior to maturity. Authority to issue non-redeemable debentures.

6. The council of the Corporation may, by by-law, provide that the treasurer, the deputy treasurer, the city auditor, the deputy city auditor or any other official authorized or required to sign or countersign cheques issued by the treasurer on behalf of the Corporation may affix the signature of any of them by the use of mechanical signing devices; and may also by by-law provide that the signature of any of them may be written, stamped, lithographed or engraved on such cheques but in that case the by-law shall provide that at least one of the persons signing or countersigning any such cheque shall write his signature in his own hand. Mechanical signing devices authorized.

7.—(1) All sales of land within the City of Toronto made since the 1st day of January, 1945, and prior to the 1st day of January, 1948, and purporting to have been made by the Corporation of the City of Toronto or its treasurer for arrears of taxes payable to the Corporation, with respect to the lands so sold, are confirmed and declared to be legal, valid and Confirmation of tax sales and conveyances.

Rev. Stat.,
c. 272.

binding, and every conveyance of land so sold purporting to have been executed as required by *The Assessment Act* and purporting to convey such land to the purchaser thereof, his heirs and assigns, or its successors and assigns, is also confirmed and declared to be legal, valid and binding and shall be deemed to have had the effect of vesting such land in the purchaser, his heirs, assigns or legal representatives, in fee simple or otherwise, according to the nature of the estate or interest sold, clear of and free from all right and interest of the owner thereof at the time of such sale and clear of and free from all charges and encumbrances thereon and dower therein except taxes accruing after those for non-payment of which such land was so sold.

Application
of section.

Rev. Stat.,
c. 272.

(2) Subsection 1 shall have force and effect only where the treasurer has complied with subsection 2 of section 178 of *The Assessment Act*, and a statutory declaration of the treasurer as to such compliance shall be conclusive proof thereof.

Exception
as to
pending
litigation.

(3) Nothing in this section shall affect or prejudice the right of any person in any action, litigation or other proceeding now pending, and any such action, litigation or other proceeding may be continued and finally adjudicated in the same manner and to the same extent as if this section had not been passed.

By-law
authorized
re W. L.
Mackenzie
home.

8. The council of the Corporation may by by-law exempt from taxation a parcel of land not exceeding four feet six inches in width lying immediately to the south of and adjoining the premises now known as 82 Bond Street, which parcel has been acquired by the William Lyon Mackenzie Homestead Foundation for the purpose of an addition to 82 Bond Street, provided that the exemption shall have effect only so long as the said parcel of land and the said premises are maintained as an historical site.

Provision
for increas-
ing partial
exemption
from taxa-
tion of
dwelling
houses.

9.—(1) The council of the Corporation may, with the assent of the electors qualified to vote on money by-laws or with the approval of the Minister of Municipal Affairs, pass a by-law increasing the partial exemption from taxation of dwelling houses in the City of Toronto, by providing that taxes and rates, except for school purposes, on dwelling houses assessed for not more than \$5,600 shall be levied and imposed on such percentage of the assessed value according to the classification of dwelling houses as the by-law may provide.

(2) A by-law passed under this section,—

Application
of percentage
to value of
building
only.

(a) may make the percentage apply on the total assessment of the land and buildings used for dwelling house purposes or only on the assessed value of the building used for such purposes;

- (b) may be made applicable to all dwelling houses within the meaning of section 40 of *The Assessment Act* or only to such of those dwelling houses as are occupied by the owners; Application of by-law to owner-occupied dwellings only.
- (c) may provide for the repeal of a by-law passed pursuant to section 40 of *The Assessment Act* without the assent of the electors qualified to vote on money by-laws; and Authority to repeal existing by-law.
- (d) may be repealed or amended from time to time with the assent of the electors qualified to vote on money by-laws or with the approval of the Minister of Municipal Affairs. Authority to repeal or amend by-law passed under this section.

10.—(1) The council of the Corporation may pass by-laws for requiring the owners and occupants of lands, buildings and structures, except private dwellings, to maintain such lands, buildings and structures in a rodent-free condition; and for that purpose the by-law may provide,— By-law to control rodents authorized.

(a) for regulating,

- (i) the keeping or storing of food or fodder,
- (ii) the keeping of fowl or animals, and
- (iii) the keeping and disposal of refuse, wastes and other things,

that may attract rodents;

(b) for authorizing the local board of health to order the owner or occupant of any premises,

- (i) to clean or disinfest the same,
- (ii) to keep food, fodder or refuse in rodent-proof containers,
- (iii) to keep fowl or animals only in rodent-proof structures, and
- (iv) to do such other things as may be deemed necessary by the board,

to avoid the spread of disease or damage to property by rodents;

(c) for authorizing the local board of health to prohibit the use of premises which are infested with rodents

until the owner or occupant of such premises complies with an order of the board for disinfestation of such premises.

Inspection
of premises.

(2) The medical officer of health, any member of the local board of health, and any inspector or other person acting under the instructions of any of them, may enter, inspect and examine, as often as he thinks necessary, any lands, buildings or structures, except private dwellings, within the municipality, for the purpose of enforcing the provisions of a by-law passed under this section and for the purpose of ascertaining whether the owner or occupant has complied with any order made pursuant to such by-law, and any person in charge of such premises for the time being shall render such aid to the medical officer of health or other person as may be necessary.

Licensing
persons in
rodent-
control
business.

(3) The council of the Corporation may pass by-laws for licensing, governing and regulating persons engaged in the business of rodent control and extermination, for prohibiting anyone from engaging in such business without a licence, and for revoking any licence.

Limitation
of licence
fee.

(a) The fee for such licence shall not exceed \$10 per year.

Power to
enforce
by-laws.
Rev. Stat.,
c. 266.

(4) The provisions of Part XXI of *The Municipal Act* relating to the power to impose penalties and enforce by-laws shall apply *mutatis mutandis* to any by-law, and to any order made thereunder, passed under this section.

Commence-
ment of Act.

11. This Act shall come into force on the day it receives the Royal Assent.

Short title.

12. This Act may be cited as *The City of Toronto Act, 1949*.

SCHEDULE A

THIS AGREEMENT, made in triplicate, this 15th day of December, 1948.

BETWEEN:

THE CORPORATION OF THE CITY OF TORONTO, hereinafter called "the City",

OF THE FIRST PART,

—and—

THE TORONTO TRANSPORTATION COMMISSION, herein-after called "the Commission",

OF THE SECOND PART,

WHEREAS by an Act passed by the Legislature of the Province of Ontario in the sixteenth year of the reign of His late Majesty, King George V, Chaptered 100, the City may acquire, equip, own, control and operate vessels for transporting passengers and freight across the waters of Toronto Bay from or to any point or points on the mainland of the City of Toronto or on Toronto Island, and may acquire, lease, construct, equip, maintain and operate all wharves, docks, offices and other buildings or erections required for or in connection with the proper operation of such vessels and may enter into such agreements as may be necessary to entrust the control, maintenance, operation and management of any vessels, wharves, docks or other property acquired by the City under the provisions of the said Act, to any person or corporation for such period of time and upon such conditions as may be set out in such agreement; and

WHEREAS for the purpose of so transporting passengers and freight, the City,—

- (a) has acquired the passenger and freight boats, the scow, the hand trucks and the equipment hereinafter more particularly described together with certain wharf properties, and
- (b) by a Lease dated the 19th day of March, 1938, hereinafter referred to as "the 1938 Lease", did lease from The Toronto Harbour Commissioners certain other wharf properties as in the 1938 Lease mentioned for and during the term of ten (10) years from the 1st day of May, 1936, at the rent and upon the terms and conditions all as in the 1938 Lease mentioned and set forth; and

WHEREAS since the expiration of the 1938 Lease The Toronto Harbour Commissioners, pending settlement of the terms and conditions of a new lease to the City from the 1st day of May, 1946, of the wharf properties mentioned in the 1938 Lease, have permitted the City to continue in possession of such wharf properties at the same rent, for the same purposes and upon the same terms and conditions, except as to length of tenure as reserved and contained in the 1938 Lease; and

WHEREAS by an Agreement dated the 25th day of July, 1927, made between the City and the Commission (which Agreement was declared to be legal, valid and binding upon the parties thereto by certain several Acts passed by the Legislature of the Province of Ontario and finally by *The City of Toronto Act, 1935*, as amended by *The City of Toronto Act, 1936*), the City entrusted to the Commission upon the terms and conditions as in such Agreement mentioned and set forth, the control, maintenance, management and operation of the boats, scow, equipment and wharf properties hereinbefore referred to for the purpose of furnishing as far as is reasonably necessary a passenger and freight service between the mainland of the City of Toronto and Toronto Island; and

WHEREAS the ferry boat known as the "Sam McBride", being one of the boats hereinbefore referred to, was purchased by the City in the year 1940 and the cost of the same was financed by the issue of serial instalment debentures under the provisions of By-law No. 15512 of the City; and

WHEREAS as appears by Report No. 1 of the Board of Control of the City as adopted in Council on the 20th day of January, 1947, the City authorized the acceptance of the tender of the Toronto Dry Dock Company Limited dated the 18th day of November, 1946, for the construction of a double-end screw steel ferry boat for use in the aforesaid passenger and freight service, which ferry boat is now under construction and is to be named and hereinafter referred to as "the Thomas Rennie"; and

WHEREAS as appears by Report No. 10 of the said Board of Control (as adopted in Council on the 1st day of April, 1948), it is recommended that as and from the effective date of this Agreement the aforesaid passenger and freight service be operated by the Commission under the terms and conditions hereinafter set forth instead of under the terms and conditions of the said Agreement dated the 25th day of July, 1927;

~~AND~~ NOW THEREFORE THIS AGREEMENT WITNESSETH, that the parties hereto hereby mutually covenant and agree as follows:

1. The City hereby grants to the Commission the exclusive right (with the exceptions therefrom set forth below), to transport during the periods of navigation only passengers and freight for hire, gain, reward or profit or hope thereof, across the waters of Toronto Bay from or to any point or points on the mainland of the City of Toronto or on Toronto Island, such periods of navigation to be the period in each year between approximately the 1st day of April and the 30th day of November, and notwithstanding any By-law or By-laws of the City the means of providing such transportation service and the extent and frequency of the same within the periods of navigation to be such as the Commission, in its sole discretion may from time to time determine. The following are the exceptions referred to above:

- (1) the right of the City to rent its scows for the purpose of transporting personal property across the waters of Toronto Bay from or to any point or points on the mainland of the City of Toronto or on Toronto Island and to charge and collect towage fees for the towing of such scows by its tugs,
- (2) the right of The Toronto Harbour Commissioners to transport for hire, gain, reward or profit or hope thereof, passengers and freight destined for the Toronto Island Airport of the City from the mainland of the City of Toronto or destined for such mainland from such Airport, from the mainland of the City of Toronto to the said Airport or from such Airport to such mainland,
- (3) the right of The Toronto Harbour Commissioners to transport for hire, gain, reward or profit or hope thereof, passengers requiring prompt medical attention or hospitalization by reason of illness or injuries, across the waters of Toronto Bay from any point or points on Toronto Island to any point or points on the mainland of the City of Toronto, and
- (4) the right of any present private club to transport its own members and their guests and its and their freight whether for hire, gain, reward or profit or hope thereof or otherwise, across the waters of Toronto Bay from or to any point or points on the mainland of the City of Toronto or on Toronto Island.

2. The City hereby grants and transfers to the Commission the ownership of the following boat, scow and equipment, that is to say:

- (1) one (1) freight motor launch known as the "Buttercup", together with all her equipment,
- (2) one (1) freight scow known as "Scow No. 1", together with all its equipment,
- (3) sixteen (16) freight hand trucks and equipment connected with the operation of the freight transportation service entrusted by the City to the Commission by the said Agreement dated the 25th day of July, 1927, which trucks and equipment are now located in, on or about the several wharf properties hereinafter referred to, and

- (4) all other existing sundry and miscellaneous equipment pertaining to the operation of the passenger and freight transportation service entrusted by the City to the Commission by such Agreement.

3. The City will transfer forthwith to the Commission the ownership of the following boats and equipment, that is to say:

- (1) five (5) ferry boats known respectively as the "Trillium", the "Bluebell", the "William Inglis", the "Sam McBride" and the "T. J. Clark", together with all their respective equipment, and
- (2) one (1) freight motor tug known as the "Aylmer", together with all her equipment.

4. The City hereby grants exclusive permission to the Commission to use and occupy only in connection with the exercise by the Commission of the right to transport passengers and freight hereby granted and in such connection for the purpose only of the embarking and disembarking of passengers, the landing and loading of freight and the operation of refreshment stands or booths and parcel checking offices for the use of the public certain wharf properties free from all dock rentals and/or wharfage charges, as follows, namely:

A. CITY WHARF PROPERTIES

- (1) the wharf and dock at Hanlan's Point on Toronto Island known as Hanlan's Point Dock, together with the shelter, office and waiting rooms in connection therewith,
- (2) the easterly portion of the wharves on Toronto Island known as Ward's Island Docks,

B. HARBOUR WHARF PROPERTIES

- (1) the wharf at Manitou Road on Toronto Island known as Manitou Dock (leased to the City), together with the adjoining freight sheds erected on park lands owned by the City,
- (2) the westerly portion (leased to the City), of the said Ward's Island Docks together with all structures in connection with such westerly portion,
- (3) the wharf (leased to the City), at Island Park on Toronto Island known as Centre Island Dock, and
- (4) the wharves (leased to the City), on the mainland of the City of Toronto at the foot of York Street known as the Mainland Docks, together with the waiting rooms and all other structures in connection therewith;

PROVIDED, HOWEVER, that the permission to use and occupy the Harbour Wharf Properties granted to the Commission by this clause shall be only for and during such period of time as The Toronto Harbour Commissioners shall permit the City to continue in possession of the Harbour Wharf Properties at the same rent, for the same purposes and upon the same terms and conditions, except as to length of tenure, as reserved and contained in the 1938 Lease, and for and during the term or terms of years of any future lease or leases of the Harbour Wharf Properties that may be granted by The Toronto Harbour Commissioners to the City and shall be subject to all the terms, provisoes, covenants, agreements and rights of The Toronto Harbour Commissioners in the 1938 Lease and in any such future lease or leases contained and reserved, except the covenants to pay rent, to pay taxes, to repair and to keep up fences; and the City hereby expressly covenants and agrees with the Commission to use its best endeavours to obtain from The Toronto Harbour Commissioners such future lease or leases of the Harbour Wharf Properties, any such future lease or leases of the Mainland Docks to include similar rights of access to the Mainland Docks from Queen's Quay as those granted to the City by the 1938 Lease; provided, however further, that in the event of the City failing to obtain such future lease or leases the City shall provide in

substitution for the Harbour Wharf Properties such other wharf properties of such a nature and in such locations and with such rights of access thereto as shall be satisfactory to the Commission and the Commission shall have the exclusive right to use and occupy such other wharf properties free from all dock rentals and/or wharfage charges only in the same connection and for the same purpose as the Commission by this clause is granted permission to use and occupy the City Wharf Properties, such other wharf properties being hereinafter referred to as "the Substituted Wharf Properties".

5. The City at its own cost and expense and so long as the City Wharf Properties and the Harbour Wharf Properties or the Substituted Wharf Properties, as the case may be, or any of them, are or is used and occupied by the Commission under the provisions of this Agreement, shall undertake and carry out, or cause to be undertaken and carried out, all reasonable and necessary maintenance, repairs and reconstructions to and of the so used and occupied Wharf Properties and to and of all structures, guide piles, platforms and fences in and around the same, except only maintenance, repairs and/or reconstruction caused by the negligent acts whether of commission or omission of the Commission and/or its employees or either or any of them, such maintenance, repairs, and reconstruction to be undertaken and carried out by the City to include without limiting the generality of the foregoing, the provision and maintenance of all necessary lighting, plumbing and fire protection apparatus necessary for such structures and all marine work and repairs to wharves and docks and the dredging of channels and wharves necessary for the operation of the passenger and freight transportation service hereby granted to the Commission and except as aforesaid shall keep all structures and fences in and around the Wharf Properties so used and occupied in a good state of repair and painted annually so as to present an attractive appearance at all times; provided, however, and it is hereby expressly declared and agreed by and between the parties hereto, that whenever and so often as any such maintenance, repairs and/or reconstruction to be undertaken and carried out by the City is required in the reasonable opinion of the Commission, the Commission shall give the City notice thereof in writing, and the City as soon as may be reasonably possible thereafter shall undertake and carry out or cause to be undertaken and carried out the maintenance, repairs and/or reconstruction specified in the notice and in default of the City so doing the Commission may undertake and carry out such work at the cost and expense of the City and the amount thereof shall be a debt due and owing by the City to the Commission.

6. The Commission from and after the effective date of this Agreement shall assume liability for the outstanding debt on the capital expenditure made for the purchase of the said ferry boat the "Sam McBride" and will from time to time furnish the City on demand with all moneys required to make payments of the principal and interest of such debt according to the Schedule contained in the said By-law No. 15512.

7. The title to the Thomas Rennie shall be taken in the name of the Commission, and the Commission shall assume and pay the total cost of the Thomas Rennie.

8. The Commission shall assume responsibility for all accidents, injuries, loss and/or damage to any person, corporation including the City, beast, article or thing whatsoever which may occur on, in or in connection with the operation of the aforesaid five ferry boats, freight motor tug, freight motor launch and freight scow or any of them and/or in, on or in connection with the operation of any additions thereto including the Thomas Rennie or substitutes thereof or any of them, and the Commission from time to time and at all times after the effective date of this Agreement shall well and truly save, defend and keep harmless and fully indemnify the City of, from and against all loss, costs, charges, damages, expenses, claims and demands whatsoever which the City at any time or times after the effective date of this Agreement may bear, sustain, suffer, be at or be put unto for or by reason or on account of any such accident, injury, loss and/or damage and/or anything in any matter relating thereto.

9. The Commission shall assume all of the insurance on the boats, scow and ferry equipment transferred or agreed to be transferred to the

Commission by this Agreement and shall on and after the effective date of this Agreement pay all premiums in respect to such insurance, and the City shall pay The Workmen's Compensation Board any amounts that such Board has awarded or may in future award in respect of injuries sustained prior to the effective date of this Agreement by workmen who were employed by the Commission in the operation of the passenger and freight transportation service entrusted by the City to the Commission by the said Agreement dated the 25th day of July, 1927.

10. The City shall assume responsibility for all accidents, injuries, loss and/or damage to any person, corporation including the Commission, beast, article or thing whatsoever which may occur on, in or about the City Wharf Properties, the Harbour Wharf Properties and/or the Substituted Wharf Properties, or any of them, while the same are or is used and occupied by the Commission under the provisions of this Agreement except only those of such accidents, injuries, loss and/or damage caused by the negligent acts whether of commission or omission of the Commission and/or its employees or either or any of them, and whenever and so often as any such accident, injury, loss and/or damage shall occur and the Commission shall have knowledge of the same, it shall forthwith notify in writing the Treasurer of the City as to the same together with all pertinent information in regard thereto.

11. The Commission shall during the period of navigation in each year provide, as far as is reasonably necessary, a passenger and freight service between the mainland of the City of Toronto and Toronto Island and between the docks on Toronto Island and in the the provision of such service the Commission notwithstanding any By-law or By-laws of the City may charge such freight charges, tolls and passenger fares in addition to street car and bus fares as the Commission in its sole discretion may from time to time determine as necessary to make such service self-sustaining if possible; provided, however, and it is hereby expressly so declared and agreed by and between the parties hereto, that notwithstanding anything to the contrary herein contained, the fare to be charged passengers from time to time by the Commission for each regularly scheduled trip of the said five ferry boats or any additions thereto or substitutes thereof between the mainland of the City of Toronto and Toronto Island shall not exceed the fare from time to time charged passengers using the street cars operated by the Commission within the limits of the municipality of the City of Toronto.

12. That all revenues derived by the Commission from the exercise of the right and privileges granted by this Agreement together with all revenues derived from the operation by the Commission of refreshment stands or booths and parcel checking offices in or on the City Wharf Properties and the Harbour Wharf Properties or the Substituted Wharf Properties, as the case may be, shall belong to and be the sole property of the Commission absolutely.

13. That upon the construction of a bridge or tunnel connecting Toronto Island (exclusive of the Toronto Island Airport) with the mainland of the City of Toronto the City shall reimburse the Commission for all loss, including capital loss, caused by such construction to the passenger and freight transportation service between the mainland of the City of Toronto and Toronto Island operated by the Commission in the exercise of the right granted by this Agreement, and the amount of such reimbursement shall be determined by mutual agreement between the parties hereto or failing such by arbitration under the provisions of *The Municipal Arbitrations Act*, and in addition to such reimbursement the Commission upon the completion of the construction of such a bridge or tunnel shall have the right to curtail or discontinue at its option such passenger and freight transportation service notwithstanding the provisions of this Agreement.

14. That the said Agreement dated the 25th day of July, 1927, shall terminate and all rights and liabilities of the parties thereto thereunder shall cease and determine all as of the effective date of this Agreement.

15. In respect to this Agreement the Commission shall not be required to comply with any of the provisions of By-law No. 7571 of the City as amended, or of any by-law passed in substitution therefor.

16. That this Agreement shall have no force or effect until the same is validated and confirmed by the Legislature of the Province of Ontario and upon being validated and confirmed shall be effective as of the 1st day of January, 1948.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their respective Corporate Seals attested by the hands of their respective proper officers in that behalf duly authorized.

<p>SIGNED, SEALED AND DELIVERED</p> <p>in the presence of</p> <p>Authorized by Report No. 10 of the Board of Control, adopted in Council, April 1st, 1948.</p> <p>GEO. WEALE, <i>City Clerk.</i> S13/12/48.</p>	<p>THE CORPORATION OF THE CITY OF TORONTO.</p> <p>H. E. MCCALLUM, <i>Mayor.</i> (Seal)</p> <p>G. A. LASCELLES, <i>Treasurer.</i></p> <p>THE TORONTO TRANSPORTATION COM- MISSION.</p> <p>WM. C. MCBRIEN, <i>Chairman.</i> (Seal)</p> <p>C. A. WARD, <i>Secretary.</i></p>
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CHAPTER 143.

An Act to incorporate the Village of Wasaga Beach.

*Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.*

WHEREAS the Corporation of the Improvement District of Wasaga Beach by its petition has prayed that it be incorporated as a village; and whereas the inhabitants of the Corporation of the Improvement District of Wasaga Beach have voted in favour of the erection of the said Improvement District into a village; and whereas it is deemed expedient to grant the prayer of the said petition;

Preamble.

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Improvement District of Wasaga Beach is hereby erected into a village under the name of "The Corporation of the Village of Wasaga Beach" and shall have the rights, powers and privileges enjoyed and exercised by a village erected under *The Municipal Act*.

Village incorporated.

Rev. Stat.,
c. 266.

2. The Village of Wasaga Beach shall comprise and consist of the Improvement District of Wasaga Beach as described in Schedule A hereto.

Area of
Village.

3.—(1) The board of trustees of the Improvement District shall continue to administer the affairs of the Village until the first meeting of the council of the Village is held, and shall have all the powers and perform all the duties of the council of a village.

Board of
trustees to
function
as council.

(2) The first meeting of the council of the Village shall be held on the 4th day of July, 1949, at the hour of eleven o'clock in the forenoon.

First
meeting
of council.

4. All the assets of the Improvement District are hereby vested in the Village, and the Village shall assume and be liable for all the liabilities of the Improvement District.

Assets and
liabilities.

5.—(1) The secretary-treasurer of the Improvement District is hereby appointed returning officer to hold nominations

Returning
officer and
nomination
meeting.

for the first election of reeve and councillors, public school trustees and commissioners (if any) at the town hall in the Improvement District of Wasaga Beach at the hour of 4 o'clock in the afternoon on Saturday, the 18th day of June, 1949, of which he shall give one week's notice in writing by posting the same up in at least six of the most public places in the Improvement District, and he shall preside at the said nominations, or in the case of his absence the electors shall choose from among themselves a chairman to preside at the said nominations, and such chairman shall have all the powers of the returning officer.

Polling day.

(2) The polling for the said election, if necessary, shall be held on the 1st day of July, 1949.

Polling places.

(3) The returning officer, or the chairman of the meeting held for nominations, shall at the close of the nominations duly announce the polling places in the Improvement District at which the polling is to take place.

Term of office,—
first council.

(4) The reeve and members of council elected at the first election shall continue in office until the 31st day of December, 1950, and until their successors are elected and hold their first meeting.

First school board and commissioners.

(5) The public school trustees and commissioners (if any) elected at the first election shall continue in office until the 31st day of December, 1950, and until their successors are elected and the new boards organized.

Deputy returning officers.

6.—(1) The returning officer shall by his warrant appoint a deputy returning officer for each polling place so announced.

Powers and duties of returning officers.

(2) Such returning officer and each of such deputy returning officers before holding the said election shall take the oath or affirmation required by law, and shall respectively have all the powers, perform all the duties and be subject to all the provisions of *The Municipal Act* applicable to returning officers at elections in villages.

Voters at first election.

7. The last revised assessment roll for the Improvement District together with the collector's roll shall be used for the purpose of determining the names of the persons entitled to vote at the first election in the same manner as if the said assessment and collector's rolls had been made by the Village.

Qualifications.

8. The qualifications for office, members of council, and the procedure for holding an election shall be the same as those provided in *The Municipal Act* for a village incorporated under that Act.

9. The assessment roll and the assessments and all other matters contained therein made by the Corporation of the Improvement District of Wasaga Beach applicable to the year 1949 shall be the assessment roll and assessments for the Village, and shall have the same effect as if such assessments had been made by the Village.

Assessments made by improvement district to apply.

10.—(1) This Act, except sections 1, 2, 3, 4 and 9, shall come into force on the day it receives the Royal Assent.

Commencement of Act.

(2) Sections 1, 2, 3, 4 and 9 shall come into force on the 1st day of July, 1949.

Idem.

11. This Act may be cited as *The Village of Wasaga Beach Act, 1949*.

Short title.

SCHEDULE A

The lands and premises situate, lying and being in the Townships of Flos and Sunnidale, in the County of Simcoe and Province of Ontario, and being composed as follows:

COMMENCING at the southeasterly angle of the most easterly part of Registered Plan No. 752 for the said County; thence southwesterly along the southeasterly limits of said most easterly part to the southwesterly angle thereof; thence south eleven degrees, thirty-five minutes west, as shown on said Plan, to intersect a line drawn north forty-two degrees, nine minutes east from the southeasterly angle of the most westerly part of said Plan; thence south forty-two degrees, nine minutes west, to last mentioned southeasterly angle; thence southwesterly along the southerly limits of said most westerly part to the southeasterly angle thereof; thence south twenty-five degrees, sixteen minutes west, to the westerly limit of townships Lot No. 26 in the Ninth Concession of said Township of Flos; thence northerly along said westerly limit to the most northerly angle of Lot Number 18, according to Registered Plan Number 804 for the said County; thence southwesterly along the northwesterly limits of Lot Nos. 18 to 34 both inclusive, to the most westerly angle of said Lot No. 34, all as according to said Plan No. 804; thence southeasterly along the southwesterly limit of last mentioned lot to the northwesterly limit of Laidlaw Street according to the last mentioned Plan; thence southeasterly across said street to the northeasterly angle of Lot No. 36 according to last mentioned Plan; thence southeasterly along the northeasterly limits of Lots 36 to 46, both inclusive, according to last mentioned Plan to the northwesterly limit of Lot 47 according to last mentioned Plan; thence northeasterly along last mentioned northwesterly limit to the most northerly angle of said Lot No. 47; thence southeasterly along the northeasterly limits of Lots 47 to 49 according to said Plan, both inclusive, and along the production southeasterly of last mentioned limits a distance of 150 feet, from the southeasterly angle of said Lot 49; thence southwesterly and at right angles to the westerly limit of the road allowance between said Townships 266 feet to last mentioned westerly limit; thence southerly or southeasterly along the westerly limit 990 feet; thence southwesterly and at right angles to last mentioned limit, 360 feet, 8 inches; thence northwesterly and parallel to last mentioned limit 797 feet to the most southerly angle of Lot No. 29, according to Registered Plan No. 714 for said County; thence northeasterly along the southeasterly limit of last mentioned lot and the southeasterly limit of Nancy Street according to last mentioned Plan, to the most southerly angle of Lot 38 according to said Plan No. 714; thence along the northwesterly limit of said Nancy Street, 250 feet; thence southwesterly and parallel to the southeasterly limit of Glenwood Drive according to said Plan, 960 feet; thence northwesterly and at right angles to said southeasterly limit 150 feet to the northwesterly limit of said Drive; thence southwesterly along said northwesterly limit to the easterly limit of River Avenue Crescent as shown on said Plan No. 714; thence north 10 degrees, 40 minutes west, along the said easterly limit to an angle in the same; thence north 50 degrees, 40 minutes west, along the northeasterly limit of said Crescent, to the southeasterly limit of River Avenue, as shown on last mentioned Plan; thence southwesterly along said southeasterly limit last mentioned to the easterly limit of the road allowance between Lots 9 and 10 in the Sixteenth Concession of said Township of Sunnidale, as laid down by Municipal Survey and confirmed July 17th, 1924; thence northerly along said easterly limit to the water's edge of Nottawasaga River; thence in a general southwesterly direction along said water's edge, being along the southeasterly edge of said River to intersect the production southeasterly of the northeasterly limit of Joan Street, according to Registered Plan No. 674 for said County; thence northwesterly along said production and said northeasterly limit, to the water's edge of Nottawasaga Bay of Georgian Bay of Lake Huron; thence in a general northeasterly direction along said water's edge last mentioned, to the mouth of the said River and around the westerly and northwesterly shore of the junction of said Bay and said River to intersect the production across the said River of the easterly limit of said Lot No. 26; thence southerly or southeasterly along last mentioned production and the said easterly limit of Lot 26 to the place of beginning.

CHAPTER 144.

An Act respecting Wycliffe College.

*Assented to April 1st, 1949.
Session Prorogued April 8th, 1949.*

WHEREAS the Trustees of Wycliffe College by their ^{Preamble.} petition have represented that by *An Act respecting* ^{1916, c. 112.} *Wycliffe College*, being chapter 112 of the Statutes of Ontario, 1916, the government, conduct, management and control of Wycliffe College and of the property, revenues, business and affairs thereof was vested in them; and whereas the Trustees desire to be empowered to invest the funds which come into their hands in such manner as to obtain diversity of investments and increase the income derived therefrom; and whereas it is expedient to grant the prayer of the said petition;

Therefore, His Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subject to the limitations imposed by the provisions ^{Investment of funds.} of any specific trust, the Trustees shall have, and shall be deemed to have had, power to invest all such funds as are now in or hereafter come into their hands, in any investments or securities that are now or may hereafter be authorized for investment by trustees under *The Trustee Act* and in any ^{Rev. Stat. c. 165.} investments or securities that are now or may hereafter be authorized investments for joint stock insurance companies and cash-mutual insurance corporations under *The Companies Act*, and may alter and vary such investments from time to ^{Rev. Stat., c. 251.} time by substituting others of a like nature.

2. This Act shall come into force on the day it receives the ^{Commence- ment of Act.} Royal Assent.

3. This Act may be cited as *The Wycliffe College Act*, ^{Short title.} 1949.

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